









**THE INDIAN  
ANNUAL REGISTER**



**THE INDIAN**  
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# THE INDIAN ANNUAL REGISTER

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CHRONICLE OF EVENTS		PAGE
		1
July 1932	...	1
August 1932	...	6
September 1932		8
October 1932		11
November 1932		13
December 1932	...	15
INDIA IN HOME POLITY		19
I.	The Basis of Indian Dispensation ...	19
II.	How Labour Looked at it ...	20
III.	The Round Table Conference ...	20
IV.	Why It failed to Attract Congress ...	21
V.	The Plea of Official Labour ...	21
VI.	Labour Handing—A Departure ...	22
VII.	Two Initial Mistakes ...	22
VIII.	Why R. T. C. Failed ...	23
IX.	The General Election ...	24
X.	The Change in Spirit if not in Form ...	24
XI.	The Struggle Revived ...	25
XII.	The Viceroy's Refusal—No Accident ...	25
XIII.	The Curve of the Revived Movement ...	26
XIV.	Government's Formula Re. Congress ...	28
XV.	Viceroy's Speech on Terrorism ...	30
XVI.	Agreement with Mahatma regretted by Britishers ...	31
XVII.	R. T. C. Method and New Dispensation ...	32
XVIII.	Secretary of State's Announcement ...	33
XIX.	Announcement and Congress ...	33
XX.	Liberal Attitude ...	33
XXI.	Sir Samuel Hoare Explains ...	34
XXII.	Modified Policy and Co-operation Secured ...	35

<b>XXIII.</b>	<b>The Third Round Table Conference</b>	...	85
<b>XXIV.</b>	<b>The Communal Award</b>	...	87
<b>XXV.</b>	<b>The Ottawa Agreement</b>	...	88
<b>XXVI.</b>	<b>Ordinances in Working</b>	...	89
<b>XXVII.</b>	<b>Activities of Congress</b>	...	40
<b>XXVIII.</b>	<b>Activities of Terrorists</b>	...	41
<b>XXIX.</b>	<b>Measures to Combat Terrorists</b>	...	42
<b>XXX.</b>	<b>Posting of Military, Etc.,</b>	...	42
<b>XXXI.</b>	<b>Murder of Officials &amp; Europeans</b>	...	42
<b>TERRORISM IN BENGAL AND ORDINANCES</b>			<b>44</b>
	<b>The Bengal Police Administration Report, 1931</b>	...	44
	<b>The Calcutta Police Administration Report, 1931</b>	...	46
<b>CIVIL DISOBEDIENCE MOVEMENT IN BENGAL</b>			<b>49</b>
	<b>The Bengal Administration Report, 1930-31</b>	...	49
	<b>Position at Beginning of Year</b>	...	49
	<b>The Prime Minister's Offer</b>	...	49
	<b>Reception of the Offer</b>	...	49
	<b>Delhi Conversations</b>	...	50
	<b>Delhi Settlement</b>	...	50
	<b>Effect of the Delhi Settlement</b>	...	50
	<b>Murder of Mr. Peddie</b>	...	50
	<b>Arbitration Courts</b>	...	51
	<b>Lull in Civil Disobedience</b>	...	51
	<b>Murder of Mr. Garlick</b>	...	52
	<b>Extra Police Suppress Terrorism</b>	...	52
	<b>Mr. Gandhi at the R. T. C.</b>	...	52
	<b>Attempt to Murder Mr. Cassels</b>	...	53
	<b>Murder of Inspector Ashanullah</b>	...	53
	<b>Detenus fired in Hijli Camp</b>	...	53
	<b>Attempts to Murder Messrs Durno &amp; Villiers</b>	...	53
	<b>Further Measures Against Terrorism</b>	...	53
	<b>Chittagong and Bengal Emergency Ordinance</b>	...	54
	<b>Berhampore Conference</b>	...	54
	<b>Murder of Mr. Stevens</b>	...	55
	<b>Indian Press Emergency Powers Act</b>	...	55
	<b>Terrorism</b>	...	55
<b>ACTS AND ORDINANCES</b>			<b>57</b>
	<b>Bengal Emergency Powers (2nd Amend) Ordinance 1932</b>	...	57
	<b>Bengal Criminal Law Second Amendment Bill, 1932</b>	...	57
	<b>Bengal Suppression of Terrorist Outrages Bill, 1932</b>	...	58
	<b>Bengal Terrorist Outrages Act (Rules)</b>	...	63
	<b>Rules for Chittagong</b>	...	64
<b>BENGAL RETRENCHMENT COMMITTEE REPORT</b>			<b>65</b>
<b>COTTON TEXTILE INDUSTRY IN INDIA</b>			<b>69</b>
	<b>Govt. Resolution on Tariff Board's Recommendations</b>	...	69
	<b>The Tariff Board's Report</b>	...	72

	( 出 )	PAGE
THE INDIAN MILITARY ACADEMY		73
Inauguration Ceremony	... ..	73
INDIA'S FOREIGN TRADE 1931-32		75
Official Review	... ..	75
CENSUS IN INDIA 1931		77

## THE CENTRAL LEGISLATURE AND THE PROVINCIAL COUNCILS

THE COUNCIL OF STATE		80
AUTUMN SESSION—SIMLA, 20TH. SEPTEMBER 1932	... ..	80
Narcotic Drugs	... ..	80
Government Retrenchment	... ..	80
Army Retrenchment	... ..	80
Provident Fund Act Amend. Bill	... ..	81
Indian Emigration Act Amend. Bill	... ..	81
Cantonments Act Amend. Bill	... ..	81
Ancient Monuments Preservation Act Amend. Bill	... ..	81
Trades Disputes Act Amend. Bill	... ..	81
Haj Pilgrims Act Amend. Bill	... ..	81
Debate on the Communal Award	... ..	81
Indianisation of Port Trust Services	... ..	83
Cr. P. C. Amend. Bill	... ..	84
Round Table Conference Debate	... ..	84
Military Economy	... ..	85
Terrorism in Bengal	... ..	85
WINTER SESSION—NEW DELHI, 29TH. NOVEMBER 1932	... ..	86
Children in Non-Industrial Employment	... ..	86
The Ordinance Bill Debate	... ..	86
The Ottawa Tariff Bill Debate	... ..	91,92
The Bengal Terrorist Outrages Bill	... ..	91
THE LEGISLATIVE ASSEMBLY	... ..	97
AUTUMN SESSION—SIMLA—5th. SEPTEMBER 1932	... ..	97
Viceroy's Opening Address	... ..	97
The Haj Bill	... ..	106
Assam Tea Districts Emigration Bill	... ..	106,122
Income Tax Act Amending Bill	... ..	106,120,121
Land Acquisition Act Amending Bill	... ..	106,110
Emigration Act Amending Bill	... ..	106,110
Trades Disputes Act Amending Bill	... ..	106
Cantonments Act Amending Bill	... ..	106,110
Pleading of Children's Labour Bill	... ..	106,110
Railway Act Amending Bill	... ..	106
Cr. P. C. Amending Bill (Criminal Cases Transfer)	106,109, 110,119,120,	
The Communal Award—Adj. Motion	... ..	106
Dissolution of Hindu Marriages	... ..	106
Child Marriage Amending Bill	... ..	107,119



Advisory Capitulation Tribunal—Debate	...	...	107
Passenger Rates for Coastal Traffic	...	...	108
Ancient Monuments Preservation Amending Bill	...	...	111
The Sarda Act Amending Bill	...	...	111
The Mahatma's Fast—Adjournment Motion	...	...	111
Criminal Law Amend. Bill (Ordinance Bill)	115,120,122,127,136,140,	147	
Bengal Suppression of Terrorist Outrages Act	116, 136,	149	
Railway Act Amending Bill	...	...	116
Haj Committee Bill	...	...	116,118
Trades Disputes Act Amend. Bill	...	...	116
Working of Tata Steel Company	...	...	116
Coal Purchase for State Railways	...	...	117, 121
Mahatma's Fast—Government Decision to Release	...	...	118
Workmen's Compensation Bill	...	...	119,122
Flogging for Crimes Against Women	...	...	121
Murshidabad Estate Bill	...	...	121
Narcotic Drugs Convention	...	...	122
Chittagong Outrage Condemned	...	...	122
Bengal Terrorist Outrage—Adj. Motion	...	...	126
<b>SPECIAL SESSION—NEW DELHI, 7TH. NOVEMBER 1932</b>	...	...	128
Debate on the Ottawa Agreement	..	...	128,139,145
The Ottawa Traff Bill	...	...	148,151,
<b>THE BENGAL LEGISLATIVE ASSEMBLY.</b>			154
<b>AUGUST SESSION—CALCUTTA, 1ST. AUGUST 1932</b>			154
Separation of Legislative Department	...	...	154
Motion for Joint Electorate	...	...	154
Readjusting Provincial Boundaries	...	...	155
Suppression of Immoral Traffic	...	...	156
Calcutta Municipal Act Amendment Bill	...	...	156,167
Disorders Compensation Bill	...	...	156
Cess Amendment Bill	...	...	156
Mela Sanitation Bill	...	...	156,167
The Waqf Bill	...	...	156
Terrorist Outrages Condemned	...	...	156
Supplementary Bills	...	...	157
Bengal Opium Smoking Bill	...	...	157
Opium (Bengal Amendment) Bill	...	...	157
Bengal Suppression of Terrorist Outrages Bill	157,158,163,	171	
Discussion on Federal Report	...	...	158
Bengal Municipal Amendment Bill	...	158,159,161,	166
Statement on Chittagong Incident	...	...	159
Motor Vehicles Tax Amend. Bill	...	...	161,165
The Communal Award—Adj. Motion	...	...	161
Bengal Criminal Law (2nd. Amend.) Bill	...	...	162
Bengal Money-lenders' Bill	...	...	165,167
<b>WINTER SESSION—CALCUTTA, 21ST. NOVEMBER 1932</b>	...	...	166
Zamindars' Relief to Realise Cess	...	...	166
Development of Fish Industry	...	...	166

Rights of Landlords Vis-A-vis Tenants	...	...	166
Calcutta Municipal Act (1923) Amend. Bill	...	...	166,169
Tenants' Protection from Usury Bill	...	...	167
Bengal Public Security Bill	...	...	167,172
Nadia Waterways Bill	...	...	169
Puri Lodging House Amend. Bill	...	...	169
Motion for Second Chamber	...	...	169
Health of Messrs Sen Gupta & Bose	...	...	170
Bengal Local Self-Govt. Amend. Bill	...	...	170
Village Self-Govt. Amend. Bill	...	...	171
Bengal Presidency Small Causes Courts Amend. Bill	...	...	171
Bengal Land Revenue Sales Repealing Bill	...	...	171
Police Excesses in Chittagong	...	...	171
Bengal Criminal Law (Arms & Explosives) Bill	...	...	171
Calcutta Municipal Act (2nd.) Amend. Bill	...	...	171,174
Official Motions for Grants	...	...	171
<b>THE BOMBAY LEGISLATIVE COUNCIL</b>			<b>175</b>
<b>AUTUMN SESSION—POONA, 19TH. SEPTEMBER 1932</b>	...		<b>175</b>
Bombay Cotton Contracts Bill	...	...	175
Bombay Weights & Measures Act	...	...	176,182
Bombay Finance Act	...	...	176
Bombay Hereditary Offices Act	...	...	176
Bombay Borstal Schools Act	...	...	176
Bombay Police Act Amend. Bill	...	...	176
Bombay Local Board's Act Amend. Bill	...	...	177,179
Bombay and Federal Finance Report	...	...	177
Bombay Municipal Boroughs Act Amend. Bill	...	...	177
Bill to Represent Depressed Classes in Munopl. School Boards	...	...	177
Prov. Small Causes Courts Act Amend. Bill	...	...	178
Deccan Agriculturists Relief Bill	...	...	178,179
Bombay Municipal Act Amend. Bill	...	...	179
Bombay University Act Amend. Bill	...	...	179
Bombay Village Police Act Amend. Bill	...	...	179
Restricted Interviews with Gandhi—Adj. Motion	...	...	179
Extension of Bombay Irrigation Act	...	...	180
Supplementary Grants Voted	...	...	180
Bombay Village Panchayats Bill	...	...	181
The Communal Award—Resolution on	...	...	182
Wakfs Board for Bombay	...	...	183
Working of Ahmednagar Local Board	...	...	183
Grants for Primary Education	...	...	183
<b>SPECIAL SESSION—BOMBAY, 22ND. NOVEMBER 1932</b>	...		<b>183</b>
Bombay Special Powers Bill	...	...	183
<b>THE MADRAS LEGISLATIVE COUNCIL</b>			<b>188</b>
<b>THIRD SESSION—MADRAS, 2ND. AUGUST 1932</b>	...	...	<b>188</b>
The Governor's Opening Speech	...	...	188

Debate on Orissa Committee's Report	...	188
Madras District Municipalities Act Amend. Bill	...	188
Madras Local Board's Act Amend. Bill	...	188
Madras Service Commission Act Amend. Bill	...	189
Thirumal Thirupathi Devasthanam Bill	...	189
Organisation of State Lottery	...	189
<b>WINTER SESSION—MADRAS, 23RD. OCTOBER 1932</b>	...	189
Bellary Jail Disturbances	...	189
Resolution on Temple-entry	...	190
New Ministry Formed	...	190
Formation of Second Chamber	...	190,191
Marumakkathayan Bill	...	191
High Water Cess for Irrigation	...	191
<b>THE C. P. LEGISLATIVE COUNCIL</b>		191
<b>AUTUMN SESSION—NAGPUR, 25TH. AUGUST 1932</b>	...	191
C. P. Courts Amendment Bill	...	191
C. P. Village Sanitation & Public Management Amend. Bill	...	191
C. P. Primary Education Amend. Bill	...	191
C. P. Local Self-Govt. (2nd. Amend.) Bill	...	191,193
C. P. Local Fund Audit Bill	...	191
C. P. Medical Registration Amend. Bill	...	191
The Communal Award Debate	...	192
Debt Conciliation Bill	...	192,194
Public Places User Bill	...	192
Public Gambling Act Amend. Bill	...	192
Village Panchayat Amend. Bill	...	192
Municipality Act Amend. Bill	...	192
Juvenile Smoking Act Amend. Bill	...	192
Treatment to Political Prisoners	...	192
C. P. State Aid to Industries Bill	...	193
C. P. Unregulated Factories Bill	...	193
C. P. Local Self-Govt. Amend. Bill	...	193
Nagpur University Act Amend. Bill	...	193
C. P. Legal Practitioner's Amend. Bill	...	193
Federal Finance and Provinces	...	194
Lowering of Govt. Servants' Salary	...	194
Lowering of Nazarin at the time of Sale	...	194
Bar Councils Act Extension Bill	...	194
Local Bodies Overhaul Committee	...	194
Allegations against Jail Officials	...	194
<b>THE U. P. LEGISLATIVE COUNCIL</b>		195
<b>AUTUMN SESSION—LUCKNOW, 3RD. NOVEMBER 1932</b>	...	195
Formation of Second Chambers	...	195
Enquiry into Unemployment Problem	...	195
Separate Accommodation for Women in Jails	...	195

U. P. Special Powers Bill	...	...	196,197
U. P. Prevention of Adulteration Act (1912) Amend. Bill	...	...	196
U. P. Court of Wards Act (1912) Amend. Bill	...	...	196
U. P. Land Revenue (1912) Amend. Bill	...	...	196
The All India Services	...	...	196
Ill-treatment of Political Prisoners	...	...	197
<b>THE B. &amp; O. LEGISLATIVE COUNCIL</b>			<b>199</b>
<b>AUTUMN SESSION—RANCHI, 29th. AUGUST 1932</b>	...	...	<b>199</b>
Local Self-Government Act Amend. Bill	...	...	199,200
Govt. Management of Private Forests	...	...	199
Complaints Re. Patna Jails	...	...	199
Additional Police in Monghyr	...	...	200
Finances of Autonomous Bihar	...	...	200
Protection to Sugar-Cane Industry	...	...	201
Separate Orissa Province urged	...	...	201
Demand for full Provincial Autonomy	...	...	202
<b>THE BURMA LEGISLATIVE COUNCIL</b>			<b>202</b>
<b>LAST SESSION—RANGOON 8th. AUGUST 1932</b>	...	...	<b>202</b>
Cigarette Duty Reduction Bill	...	...	202
Vernacular Education Compulsory Bill	...	...	202
Flood Situation and Relief Measures	...	...	202
Funds for Hospitals by Lotteries	...	...	202
<b>NEW SESSION—RANGOON, 6th. DECEMBER 1932</b>	...	...	<b>202</b>
Separation and Conditional Federation	...	...	203
Censure Motion Against President	...	...	204
Election of New President	...	...	205
Resolution on Burma's Separation	...	...	206, 206
Party Position in the Council	...	...	206
Finance Member's Statement	...	...	207
People's Party Leader's Motion	...	...	207
Council's Motion on Separation Motion	...	...	212
<b>THE PUNJAB LEGISLATIVE COUNCIL</b>			<b>212</b>
<b>WINTER SESSION—LAHORE, 7th. NOVEMBER 1932</b>	...	...	<b>212</b>
Walk-out in Council	...	...	212
Protest Against Communal Award	...	...	212
The Punjab Criminal Law Amendment Bill	...	...	213, 214, 215
Wild Birds and Animals Protection Bill	...	...	214,215
Gurdwara Act Amendment Bill	...	...	215
Communalism in Text Books	...	...	215
<b>THE N. W. FRONTIER LEGISLATIVE COUNCIL</b>			<b>216</b>
<b>AUTUMN SESSION—PESHAWAR, 10th. OCTOBER 1932</b>	...	...	<b>216</b>
The Frontier Tranquillity Bill	...	...	216,219,221,226
Anti-Prostitution Bill	...	...	218

Resolution on Girls' Education	...	...	218
Resolution on Posts in Judiciary	...	...	219
Resolution on Revenue Remissions	...	...	219
Remission of Land Revenue	...	...	220
Statutory Provision for Subvention	...	...	221
Kohat Sufferers' Loan	...	...	224
<b>THE ASSAM LEGISLATIVE COUNCIL</b>			<b>227</b>
<b>AUTUMN SESSION—SHILLONG, 12TH SEPTEMBER 1932</b>	...		<b>227</b>
Governor's Opening Speech	...	...	227
Discussion on Communal Award	...	...	228
Plea for Sub-vention	...	...	228
Enquiry into Agricultural Situation	...	...	228
Assam Municipal Amendment Bill	...	...	228
Assam Law Revenue Regulation Amendment Bill	...	...	228
Assam Opium Amendment Bill	...	...	228
Assam Excise Amendment Bill	...	...	228
<b>THE PREMIER'S COMMUNAL AWARD</b>			<b>229</b>
The Genesis of the Award	...	...	229
Premier's Explanatory Statement	...	...	231
Text of the Award	...	...	233
<b>THE GANDHI-MACDONALD CORRESPONDENCE</b>			<b>237</b>
Mahatma's Letter to Sir S. Hoare	...	...	237
Sir S. Hoare's Reply	...	...	239
Mahatma's Letter to MacDonald	...	...	239
Mr. MacDonald's Reply	...	...	240
Mahatma's Final Letter to MacDonald	...	...	241
<b>MAHATMA DECIDES TO FAST</b>			<b>242</b>
Stir in the Country—Govt. Bewildered	...	...	242
Mahatma Begins His Fast	...	...	243
His First Interview to the Press	...	...	243
Mahatma's Statement to Bombay Govt.	...	...	244
Significance of the Fast—Tagore's Interpretation	...	...	246
Pt. Malaviya's Clarion Call to All-India Leaders	...	...	247
<b>ALL INDIA LEADERS MEET IN CONFERENCE IN BOMBAY</b>			
1st. Day at Bombay—19th. September	...	...	248
2nd. Day at Bombay—20th September	...	...	248
Dr. Ambedkar's Proposals	...	...	249
3rd. Day at Yeervalla Jail—21st. September	...	...	249
4th. Day at Yeervalla Jail—22nd. September	...	...	250
5th. Day at Poona—23rd. September	...	...	250
6th. Day at Poona—24th. September	...	...	251
The Historic Agreement Signed	...	...	251

Leaders' Cable to the Premier	...	...	252
Text of the Agreement	...	...	252
Leaders' Final Conference	...	...	253
Premier Accepts Agreement—Govt. Statement	...	...	254

### MAHATMA BREAKS FAST

Significance of the Fast—Mahatma's Statement	...	...	256
Anti-Untouchability League Inaugurated	...	...	257
Programme of the League	...	...	258

### MAHATMA'S CAMPAIGN AGAINST UNTOUCHABILITY

1st. Statement—Yearvada Jail—4th. November	...	...	261
2nd. Statement " " 5th. November	...	...	263
3rd. Statement " " 7th. November	...	...	265
4th. Statement " " 9th. November	...	...	266
5th. Statement " " 14th. November	...	...	268
6th. Statement " " 15th. November	...	...	269
7th. Statement " " 16th. November	...	...	271
8th. Statement " " 17th. November	...	...	272
9th. Statement " " 28th. November	...	...	274

MAHATMA GANDHI'S SECOND FAST	...	...	276
In Sympathy with Patawardhan—a fellow Prisoner	...	...	276

### SATYAGRAHA AT GURUVAYYUR

Mahatma Gandhi on Guruvayyur	...	...	278
Mahatma's Contemplated 3rd. Fast Postponed	...	...	278

### INTER-COMMUNAL NEGOTIATIONS (HINDU-MUSLIM-SIKH-CHRISTIAN)

Maulana Shaukat Ali's Telegram to Viceroy	...	...	281
Maulana's Telegram to Mahatmaji	...	...	281
Viceroy's Reply to the Maulana	...	...	282
The Maulana's Reply to the Viceroy	...	...	282
The Viceroy's Counter-reply	...	...	282
Interview with Gandhi Disallowed	...	...	282

### EFFORTS FOR COMMUNAL SETTLEMENT

All Parties Muslim Conference Summoned	...	...	283
Bombay Council Muslim Party's Views	...	...	283
Muslim Leaders' Telegrams	...	...	283
A Die-hard Manifesto—A Discordant Note	...	...	283
Sir Mahomed Yakub's Statement	...	...	284
Bengal Khilafatists' Support	...	...	285
Labour Federation's Support	...	...	285
Central Mahomedan Association's Resolutions	...	...	285
Calcutta Muslims' Statement	...	...	285
Madras Muslim Conference Resolution	...	...	285
Madras Presidency Muslim Conference Resolution	...	...	285

Muslim Nationalists' Statement	...	...	286
Bombay Women's Manifesto	...	...	286
Madras Muslims' Views	...	...	286
Khilafat President's Statement	...	...	287
Jamiat-ul-Ulema's Support	...	...	287
Assam Muslim Association's Telegram	...	...	287
Mr. N. K. Basu's open letter to Malaviya	...	...	287
Karachi Muslims' Messages	...	...	288
<b>FIRST ALL-PARTIES MUSLIM CONFERENCE</b>	...	...	<b>288</b>
Text of Resolutions	...	...	288
Joint Statement by Muslim Leaders	...	...	289
Hindu-Muslim-Sikh Representative Conference Summoned	...	...	289
Frontier Leaders' Statement	...	...	289
Hindu Sabha's Statement	...	...	289
Bengal Hindu Sabha's Statement	...	...	290
Muslim League Council's Resolution	...	...	290
Unity Conference Preliminaries	...	...	291
<b>INAUGURAL MEETING OF THE UNITY CONFERENCE</b>	...	...	<b>291</b>
Presidents' Opening Speech	...	...	292
Pandit Malaviya's Appeal	...	...	293
Unity Committee Appointed	...	...	295
Unity Committee Proceedings	...	...	295
Proceedings Criticised at Delhi Muslim Meeting	...	...	297
Resolutions passed	...	...	298
Statement of Delhi Muslim Meeting	...	...	299
<b>SECOND ALL-PARTIES MUSLIM CONFERENCE</b>	...	...	<b>302</b>
Presidential Address	...	...	302
Resolutions passed	...	...	302
Influential Muslims' Statement	...	...	302
<b>SECOND SESSION OF THE UNITY CONFERENCE</b>	...	...	<b>303</b>
Maharaja of Alwar's Speech	...	...	303
<b>THIRD SESSION OF THE UNITY CONFERENCE</b>	...	...	<b>306</b>
President's Farewell Speech	...	...	305
Text of the Unity Agreement	...	...	309
Resolution on Burma	...	...	315
Proceedings Adjourned to Calcutta	...	...	316
<b>THE BENGAL HINDUS' CONFERENCE</b>	...	...	<b>316</b>
Meets Unity Conference Sub-Committee	...	...	316
Pandit Malaviya Meets Bengal Hindus	...	...	317
Bengal Hindus speak out their Minds	...	...	317
Unity Sub-Committee Meeting adjourned	...	...	318

## CONGRESS AND CONFERENCES—JULY—DECEMBER 1932

<b>THE HINDU SABHA CONFERENCES</b>		<b>319</b>
The Bengal Provincial Hindu Sabha	...	319
Calcutta Hindu Citizen's Meeting	...	319
The Punjab Hindu Manifesto	...	320
The Lahore Hindus' Meeting	...	321
The Delhi Hindu Reform Conference	...	321
The Hindu Mahasabha Working Committee	...	322
The Punjab Hindu Conference	...	322
The Bengal Provincial Hindu Sabha	...	324
The All India Hindu Mahasabha	...	324
The Bengal Provincial Hindu Conference	...	328 (a)
<b>THE MUSLIM CONFERENCES</b>		
The All Bengal Muslim Conference	...	329
The All India Muslim Federation	...	330
Muslim Conference Working Committee	...	330, 331
The Bengal Presidency Muslim League	...	332
The Bengal Nationalist Muslim Party	...	333
All India Muslim League Council	...	333
The Shia Political Conference	...	336
The All India Muslim Conference	...	337
The Jamiat-ul-Ulema-Hind, Cawnpore	...	339
Muslim Organisations' Joint Meeting	...	339
<b>THE SIKH CONFERENCES</b>		<b>340</b>
The Sikh All Parties Conference	...	340
The Sikh Leaders' Manifesto	...	342
The Muslim Sikh Conference	...	343
The Lyallpur Sikh Conference	...	343
The Bengal Sikh Rights' Conference	...	344
<b>THE CHRISTIAN CONFERENCES</b>		<b>347</b>
The Indian Christians' Manifesto	...	347
The Indian Christian Conference	...	347
The U. P. Christian Conference	...	349
The All India Christian Conference	...	350
<b>THE WOMEN'S CONFERENCES</b>		<b>352</b>
The C. P. Women's Conference	...	352
The Oudh Women's Conference	...	352
The Travancore Women's Conference	...	355
The All India Women's Conference	...	356
The Andhra Provincial Women's Conference	...	360
<b>THE EUROPEAN AND ANGLO-INDIAN POLITY</b>		<b>361</b>
Europeans and the R. T. C. (All India Council Decision)		361
The Burma St. Andrew's Day Dinner	...	363



The Bombay St. Andrew's Day Dinner	...	...	364
The Calcutta St. Andrew's Day Dinner	...	...	364
ALL INDIA NON-BRAHMIN CONFEDERATION	...	...	369
C. P. & BEHAR NON-BRAHMIN CONFERENCE	...	...	377
ALL INDIA DEPRESSED CLASSES CONFERENCE	...	...	368
ALL INDIA TRADE UNION CONGRESS	...	...	373
THE LIBERAL POLITY	...	...	377
R. T. C. Deadlock & Liberal Withdrawal	...	...	377
Sapru-Jayakar Statement	...	...	377
W. I. National Liberals' Resolution	...	...	380
Hoare's Policy—A Definite Breach of Pledges	...	...	380
The Association's Statement	...	...	380
U. P. Liberal Association's Statement	...	...	382
S. I. L. Federation's Statement	...	...	384
Hoare's Defence of New Programme	...	...	386
Apology at the Central Asian Society	...	...	386
Sapru on Hoare's Explanation	...	...	387
Sapru-Jayakar-Joshi Resignation	...	...	388
Mr. Jayakar's Letter to the Viceroy	...	...	388
Sapru's Letter to the Viceroy	...	...	388
The R. T. C. Delegates' Bombay Meeting	...	...	392
The National Liberal Federation's Statement	...	...	393
Liberal Manifesto & Withdrawal from R. T. C.	...	...	393
The U. P. Liberal Association's Resolutions	...	...	393
The Madras Liberal League's Resolutions	...	...	394
The W. I. National Liberal's Resolutions	...	...	395
National Liberal Federation's Resolutions	...	...	395
U. P. Liberal Association's Resolutions	...	...	396

# INDIA IN PARLIAMENT AND ABROAD—JULY—DECEMBER 1932

## INDIA IN PARLIAMENT

Sir Samuel Hoare's Explanation (Commons—13th. July)	397
Indian Debate in Commons (Commons—22nd. December)	400

## INDIA ABROAD

The Ottawa Agreement	...	...	403
Indian Delegation's Report	...	...	403
Text of the Agreement	...	...	419
The Assembly Committee Report	...	...	421

## THE TORIES' BLACKPOOL CONFERENCE

Sir Samuel Hoare's Statement	...	...	427
------------------------------	-----	-----	-----

<b>INDIANS IN SOUTH AFRICA</b>	...	...	<b>428</b>
<b>Annual Report for 1931</b>	...	...	<b>428</b>
<b>INDIANS IN BRITISH MALAYA</b>	...	...	<b>429</b>
<b>Annual Report for 1931</b>	...	...	<b>429</b>
<b>THE INDIAN ROUND TABLE CONFERENCE (3RD. SESSION)</b>	...		<b>431</b>
<b>Introductory Note</b>	...	...	<b>431</b>
<b>List of Delegates</b>	...	...	<b>431</b>
<b>The Indian Franchise Committee Report</b>	...	...	<b>432</b>
<b>The Financial Safeguards Committee Report</b>	...	...	<b>447</b>
<b>The Commercial Safeguards Committee Report</b>	...	...	<b>449</b>
<b>The Federal Finance Committee Report</b>	...	...	<b>453</b>
<b>The States Enquiry Committee Report</b>	...	...	<b>457</b>
<b>The Secretary of States' Statement (6th. December)</b>	...	...	<b>458</b>
<b>Powers of Indian Legislature</b>	...	...	<b>461</b>
<b>Form of States' Instrument of Accession</b>	...	...	<b>464</b>
<b>Anglo-Indian Education Committee Report</b>	...	...	<b>465</b>
<b>Supreme Court for India</b>	...	...	<b>466</b>
<b>General Debate—Discussion on Reports</b>	...	...	<b>468</b>
<b>Meeting Held on the 23rd, December</b>	...	...	<b>468</b>
<b>Meeting Held on the 24th. December</b>	...	...	<b>472</b>
<b>Secretary of State's Statement</b>	...	...	<b>472</b>
<b>THE STATES ENQUIRY COMMITTEE REPORT</b>	...	...	<b>479</b>
<b>UNEMPLOYMENT IN INDIA</b>	...	...	<b>485</b>
<b>Sir M. Visvesvarayya's Bangalore Address</b>	...	...	<b>485</b>



**INDIA IN HOME POLITY**  
**JULY—DECEMBER 1932**



# CHRONICLE OF EVENTS

JULY 1932

- 1st :—Bombay Communal Riots continued :—**Bombay witnessed serious communal disorders again to-day which culminated in three persons being killed and over 100 injured. Trouble arose when Muslims took out two funeral processions in the afternoon through thickly populated Hindu localities. There were regular encounters between the processionists and the crowds of Hindus to prevent which the police opened fire more than half a dozen times. Regular brickbat battles were witnessed in several parts of the affected area till late at night which were quelled by the police by resorting to firing a number of times. Of the casualties one died on account of a bullet wound and nearly a dozen were injured by bullets. Stabbing cases were reported from various parts and two of them proved fatal, in both the cases the victims dying on the spot.
- 3rd.** A temple broken into by rioters, a daring encounter between a Muslim who was armed with a revolver and a police officer and the adamant attitude of a large crowd of Muslims who persisted in taking out a funeral procession through Kalbadevi, in defiance of the Police Commissioner's Order, and who actually offered Satyagraha by laying down the bier and themselves lying prostrate around it—these were the exciting incidents which were witnessed in Bombay to-day. The riot situation grew so worse that troops had to be called out. Crowds of Hindus and Muslims came into clashes at various places, and the day's casualties were four dead and over 150 injured. The police had to resort to firing more than half a dozen times, and 15 persons received bullet injuries. The Chief- Presidency Magistrate issued the Curfew Order again for a week from to-day.
- 4th.** *Police firing in Contai :—*Two men were killed and a number of others were wounded as the result of the police firing in the village of Masuri in the Contai sub-division of the Midnapore district when a large number of Congressmen assembled there in defiance of the police order and celebrated the "All India Prisoners' Day."
- 5th.** *Bombay Riots continued :—*There was hardly any improvement in the riot situation in the city and the day's casualties were one killed and 55 injured. The Nagpada police opened fire to quell a disturbance which took place in 2nd Kamatipura Lane towards evening. The trouble started when the Muslim residents in the lane resorted to pelting Hindu pedestrians with stones and brickbats. A big crowd of infuriated Hindus invaded the lane and free fight ensued. Several persons were injured on both sides in the "battle" in which stones and soda water bottles were used. The police who appeared on the scene ordered the rioters to disperse but the latter were in no mood to do so. A Police Officer then fired three rounds on the rioters in which one Muslim received a bullet wound.
- 7th.** *Sir S. Hoare's defence of the R. T. C. programme :—* Sir S. Hoare, in a speech at the dinner of the Central Asian Society, London, said that the new procedure meant no change of policy but was necessary to speed up constitutional reform. "We are just as anxious to-day," he said, "as we were when the Round Table Conference first met in London for all help that we can get from representative Indians." He added that the proposal for the meeting of the Joint Select Committee before the Constitutional Bill had been read in Parliament was "definitely intended to meet the Indian desire to be consulted before any irrevocable decision is reached."
- Bombay Riot : Board of Conciliation :—**The appointment of a permanent Board of conciliation to ensure peace in Bombay and to devise measure to put a speedy end to the present communal tension with the help of local authorities was agreed upon at a private meeting of prominent citizens of Bombay convened

by the Mayor in the Corporation Hall.—The Board will be composed of 11 members, four Hindus and four Mahomedans and the three other members will be the President of the Indian Merchants Chamber, the President of the Bombay Chamber of Commerce and the Mayor. The Board would be a sort of advisory body to the Government and would always keep itself in touch with the Commissioner of Police and the Home Member.

**8th. Sapru-Jayakar-Joshi Resignation from R. T. C.:**—Sir Tej Bahadur Sapru, Messrs. M. E. Jayakar and N. M. Joshi resigned the membership of consultative committee of the Round Table Conference.

**9th. The Bombay R. T. C. Conference:**—A meeting of some of the Round Table Conference delegates was held in Bombay to consider the Secretary of State's recent announcement. They issued a statement to the press, that in view of the fundamental change in the policy of His Majesty's Government, announced by the Secretary of State, it would not be possible for them to cooperate further in the work of constitution making. The maintenance of the conference method, as it was, the statement said, was an essential condition of their co-operation and support.

**Warders' clash with C. D. prisoners in Delhi Jail:**—Nine "C" class prisoners and eleven convict warders were injured as a result of serious disturbances, which broke out in the Delhi Camp Jail. The trouble, it was reported, originated in certain prisoners, convicted of Congress activities, attempted to break into another enclosure reserved for under-trials in the same camp jail. The prompt action of authorities in dealing with the situation brought conditions to the normal state. Another feature of the incident was the absence of any attempt to escape from the jail on the part of the prisoners. Inside the camp jail there were two separate enclosures—one for undertrials and the other for those convicted under Ordinances. The idea of two separate enclosures had been, it was reported, resented by prisoners, one of whom stealthily cut the wires between the two enclosures the day before. He, however, was detected by the camp officials. A violent quarrel then ensued, during which one prisoner attempted to cut off the nose of one of the warders by sharp stones, and succeeded in inflicting serious injuries. The warder was rescued by the guards who immediately turned out. The warders mostly received injuries by stones, with which they were pelted as soon as they entered the courtyard following the man, who had cut the wires. Alarm was raised by the warders, hearing which armed guards rushed to the scene. Order was soon restored.

**10th. Liberal Federation's protest against the R.T.C policy:**—The Council of the All-India National Liberal Federation which met at Bombay, under the presidency of Mr. C. Y. Chintamani, endorsed the decision of the Round Table Conference delegates. About thirty members were present. The Council passed a resolution, protesting emphatically against the abandonment of the Round Table Conference contrary to the pledges given on behalf of His Majesty's Government by the Premier and Lord Irwin, and withholding co-operation in all further stages of the constitutional enquiry till the Round Table Conference method was restored.

**Depressed Classes Conference Fiasco:**—As a sequel to a clash between the followers of Dr. Ambedkar and the organisers of the Reception Committee to the All India Depressed Classes Conference in Bombay, the Police had to charge the crowds of people collected in front of the Bhangwadi Theatre, at Kalbadevi Road, where the Conference was subsequently held. In all 45 persons were injured in the clash, of whom 39 were treated at the Free Emergency Hospital, while the remaining six were treated at the G. T. Hospital. Four persons, who were seriously injured, were detained and the rest discharged. Out of those seriously injured, one was stated to be in a precarious condition.

**11th. Enquiry about Functions of the Sankey Committee:**—Major General Knox inquired in the Commons about the composition and functions of the Sankey Constitution Committee and also whether the deliberations of the Committee would be made the basis of a bill for submission to the Select Committee. Sir S. Hoare replied that the Sankey Committee would advise the Cabinet who would decide on the Bill before sending it to the Select Committee.

**Terrorists to be sent to Andamans :—**In the Commons Sir Samuel Hoare announced that the transfer to Andamans had been approved of a hundred convicted terrorists as a measure necessary in the interests of gaol discipline which terrorists had done the utmost to undermine.

**12th. Police firing in Midnapore :—**Several persons were injured as the result of police firing at Bandagora village in Midnapur District, following a clash with villagers, arising out of an attempt to collect Chaukidari tax which had been refused.

**Muslim Independent Party's aims :—**At a public meeting held at the Albert Hall, Calcutta, Maulana Haerat Mohani explained the aims and objects of the Independent party that he with Maulana Azad Sobhani proposed to form. The members would be recruited mainly from the Moslem community. The party would work for a federal system of Government as opposed to a unitary system of Government, and demand adult franchise.

**13th. Sir S. Hoare's Explanation :—**The Indian situation was raised in the Commons before its adjournment. Sir Samuel Hoare pointed out that two over-riding factors were the necessity to speed up the constitutional situation and that, in the ultimate resort, Parliament must decide on the Government proposals. He added that the Government was very anxious to have the continued co-operation of Indians on the Consultative Committee. There would be consultation between individual Indians, not necessarily representative, during summer and autumn and he would be glad to hear suggestions which would improve on his recent proposals to speed up the procedure. Interviewed by Reuter, after the debate, Mr. Lansbury said that the Labour Party could not co-operate with the Government while the present policy remained. He hoped that even at this late hour the Viceroy would take action to end the present impasse by arranging to meet Mr. Gandhi and his colleagues and discuss the situation.

**15th. Bengal and Federal Finance Committee Report :—**A Conference of Indians and Europeans representing various public bodies and Associations of Bengal was held at the Town-hall Calcutta, to consider the report of the Federal Finance Committee and the attitude to be adopted towards it by all the parties in the Province. Mr. Benthall, President of the Bengal Chamber of Commerce, presided. The Conference was unanimously of the opinion that the recommendations relating to Bengal were unsatisfactory. After a discussion, the Conference agreed to submit a memorial to the Government of India and the Secretary of State.

**Madras Europeans want Sir Samuel to Retrace his steps :—**At a general committee meeting of the Madras Branch of the European Association, Mr. W. O. Wright presiding, the Honorary Secretary reported that in connection with the statement made by the Secretary of State, the Executive Committee has sent the following telegram to Central Administration :—"The Madras Executive strongly urges the European Association to use its influence to induce the Home Government to modify the procedure in order to make continued co-operation of the Round Table Delegates possible, and to consider it most important to preserve the support of Constitutionalists."—The Chairman said that in Bombay he received a similar telegram from the Honorary Secretary and as a result of consultation with the Chairman of the Bombay Branch of the European Association and the Chairman of the Bombay Chamber of Commerce a representation had been made to the Central Administration on similar lines. The meeting also resolved unanimously that the action of the Chairman and the Executive be endorsed.

**16th. Lord Irwin on the R. T. C. policy :—**Lord Irwin, speaking at Thrisik, said that the Government and Parliament had pledged themselves to pursue a policy designed to confer on All-India Federation the responsibility for the management of her own affairs subject during a period of transition to such safeguards as were essential to the interests of India herself. He believed that policy to be right and if he had not been convinced that Government were sincere he would never have joined its ranks. It was understood that Lord Irwin received from Mr. MacDonald, before joining the Government, an assurance that pledges given would be faithfully observed and the variations in procedure



were not intended to affect principles of the Round Table method but only to facilitate progress.

**19th. Prof. Kripalani Sentenced :—**Professor J. S. Kripalani, Director of the Gandhi Ashram, was sentenced to six months' rigorous imprisonment under Section 17 (A) of the Criminal Law Amendment Act. He was placed in "A" class. He was arrested in Benares recently while leaving for Akbarpur, an important khadi-producing centre.

**20th. Lady Students sentenced in Calcutta :—**Sayida Khatoun and Tarulata Mitra and two post-graduate students who were arrested while leading a procession along College Street, Calcutta, following the "Students' Conference," were sentenced to various terms of imprisonment, ranging from four to six months' rigorous.—Eight College students were sentenced, on 22nd July, to 4 months' R. I. for leading a procession along the Royal Exchange Place.

**21st. The Ottawa Conference opens : Sir A. Chatterjee on India's claim :—**The Imperial Economic Conference was opened at Ottawa by the Governor-General of Canada. After the Governor-General read the King's message, he left the chamber. Mr. Bennett was elected Chairman of the Conference. He pleaded for an enduring agreement and not terminable at short notice.—Mr. Baldwin, on behalf of the United Kingdom, said that the general objective should be the expansion of Empire trade to be brought about as far as possible by the lowering of trade barriers within the Empire.—Mr. O'Kelly voiced forth the peculiar difficulties of Irish Free State, since her economic development had hardly begun.—Sir Atul Chatterjee, on behalf of India, pointed out that the Government of Greater India of the future must remain free to decide and shape for itself the policy in accordance with its own conception and position in the Commonwealth. Sir Atul explained that India was mainly dependent on agriculture and the average income and purchasing power of the people was very low. He added that India had adopted protection to stimulate her industries. The outlines of India's fiscal policy, he said, were largely determined by those circumstances and by the recurring menace of famine and the problem of military defence. Hence the effects of particular measures of preference required the closest examination. He concluded by saying that it was vital to the future of India that a scheme of protection should be handed over to the new Government in full working order.

**24th. Congress activity in Bombay : clash with Police :—**Dense crowds from house tops and street pavements watched the spectacular programme of the "recapture" of the old "Congress House", Bombay, which culminated in the arrest of 57 persons including the 31st "War Council" of Bombay. Eight persons received slight injuries in a mild lathi charge which was resorted to by the police to disperse the spectators. The "Congress House" in Girgaum Back Road had been in the possession of police since January last when the B. P. C. C. was declared illegal. Armed police had been guarding the erstwhile Congress Head Quarters since then.

**The R. T. C. Policy : Liberal Refusal to co-operate with Govt. :—**Liberals and moderates took a prominent part in a public meeting of the citizens of Benares held at the Town Hall under the presidentship of Pandit Malaviya. After a speech by the President, a resolution giving expression to all party views on the present policy of the Government was moved and passed :—"This meeting by this resolution protested against the spirit and tone and the 'misleading character' of the Secretary of State's observations in Parliament on the general political situation in India. There never was any need for the Executive to assume extraordinary and drastic powers provided in the Ordinance. The ordinances had been administered with unequalled severity and in disregard of the elementary rights of citizens, often making even the most peaceful non-political public activity impossible. The meeting also protested against the promulgation of the Consolidated Ordinance which, it held, clearly violated the aim and spirit of the Government of India Act of 1919 and which by ignoring the Legislature practically superseded the Law of Constitution, even such as it was in India. The meeting demanded the withdrawal of the Consolidated

Ordinance, release of political prisoners and the establishment of peaceful relations between the Congress and the Government. The meeting further trusted that until this was done and the new procedure for deciding the questions relating to the future of the Indian constitution which had been announced by the Secretary of State for India and which was a deliberate departure from the plan and basis on which Indian leaders agreed to co-operate with the British Government in forming such a constitution and constituted a distinct breach of the pledges given by the Prime Minister on behalf of His Majesty's Government was given up, and the plan of free co-operation between the British and Indian representatives and those of the Indian States on equal terms for the purpose of arriving at an agreed solution which would be the basis of constitutional proposals which His Majesty's Government would place before Parliament was resumed, no Indian who held the honour and interests of his Motherland sacred would agree to take part in any discussions relating to the new Constitution."

**25th. Mr. Bhulabhai Desai and others arrested :—**Mr. Bhulabhai J. Desai, the well-known advocate of Bombay, who acted for some time as Advocate-General, was arrested at his residence at Warden Road, Bombay under the Special Powers Ordinance by the Deputy Commissioner of Police.

**28th. Indian States Committee Report :—**The simultaneous publication in England and in India of the Report of the Indian States Enquiry Committee (Financial) completes the work of the three Committees appointed by the Prime Minister in December last after the second session of the Round Table Conference. The report is unanimous and is signed by the Right Hon'ble J. C. C. Davidson, Chairman, Sir Reginald Glancy, Deputy Chairman, Lord Hastings, Lord Hutchison of Montrose, Sir Maurice Gwyer, Sir Charles Stuart-Williams and Mr. J. R. Martin. Generally all contributions by the States to the Paramount Power have been recommended for remission. The committee endorses the recommendation of the Federal Finance Sub-Committee in regard to immediate relief for States which pay contributions of this nature in excess of 5 per cent of their total revenues. Regarding the territories ceded by the States in return for specific military guarantees, the committee have recommended that annual cash credits be allowed in respect of the territory ceded by Baroda, Gwalior, Indore and Sangli and the annual credits should become effective in the adjustments with the States in question *pari passu* with the reduction of contributions to be paid by the provinces to federal revenues. As regards numerous miscellaneous claims by States, the committee find it unnecessary to raise any cash credits. No immediate revision of existing salt agreement with the States, except in the case of Kathiawar and Cutch is recommended. In the case of Kathiawar and Cutch all existing restriction on the manufacture of salt are recommended to be removed subject to the condition that the States should permit the collection of federal salt duty at the source of manufacture. Regarding maritime States, the Committee recommend a compromise arrangement under which such States would be enabled to retain the duties on goods imported through their own ports for consumption by their own subjects. The other recommendations are under the head "Miscellaneous immunities."

**29th. Police-officer shot at in Comilla :—**Mr. E. B. Ellison, Additional Superintendent of Police, was shot at with a revolver while returning to his bungalow from office. He received one shot on his arm, another in the abdomen and a third on the back. His bodyguard replied with revolver shots. He was removed to hospital at Dacca by a special train in the evening, accompanied by the local Assistant Surgeon who gave first aid. It was stated that while Mr. Ellison approached his bungalow on cycle followed by an orderly he heard a report which he took to be from crackers. Instantly he was fired at by a young man from behind. Mr. Ellison jumped from his cycle and fired at the assailants who, however, escaped. Mr. Ellison was wounded, the bullet piercing his back and lodging in the abdomen. One youth was arrested on suspicion. Mr. Ellison could not survive the injury and expired at Dacca on the 5th. August.

## AUGUST 1932

**5th. Sir Alfred Watson shot at :—**Sir Alfred Watson, editor of the "Statesman," had a providential escape when a dastardly attempt was made on his life at the gate of the office of that paper in the afternoon. Sir Alfred escaped unhurt. The outrage was perpetrated shortly after 3 o'clock when Sir Alfred was returning to the office in his car after lunch. As his car turned into the gateway, a Bengali young man suddenly jumped on the foot-board of the car and fired at Sir Alfred. The car bumped and the bullet grazed Sir Alfred's right temple and smashed a window-screen. The car was stopped at once. Sir Alfred got down and went into the office, directing the youth, who had in the meanwhile been overpowered by an office durwan and the constable on duty, to be taken inside. The young man struggled violently with the durwan and the constable and somehow managed to extricate one of his hands which he put into his pocket, took out something and swallowed it. It was believed to be potassium cyanide. He immediately collapsed, fell on the ground and died on the way to the hospital. The body was subsequently viewed by the Coroner at the morgue. The assailant, who was wearing a coat and dhoti, was said to be one Atul Kumar Sen of village Senhati in the district of Khulna. He appeared to be about 20 or 22 years old. He was an ex-student of Jadavpur Technical College. An earlier report, however, said that the assailant was suspected to be Dinesh Chandra Mazumdar who was sentenced to transportation for life in connection with the Dalhousie Square bomb outrage and who escaped from the Midnapore Central Jail some months back. A five chambered revolver was found on a rear seat of the car having dropped from the hand of the assailant immediately after the firing. Four live cartridges were found in the dead man's possession.

**10,291 Convicted in Bengal :—**In the Bengal Council replying to Dr. N. C. Sen Gupta, the Hon'ble Sir P. C. Mitter said that the total number of persons who had been convicted since January last in connection with Civil Disobedience Movement was 9,617 males and 621 females.

**10th. Arrests, Convictions, Detentions and fines in Bengal : Govt. Statement :—**At the Bengal Council replying to Babu Kishori Mohan Chaudhuri the Home Member stated that during the period from January to May 651 males and 29 females were detained under section 3 of the Emergency Powers Ordinance of 1932.—Replying to the same member the Hon'ble Mr. Reid said that during the period from January to May 8972 males and 571 females were convicted for offences relating to Civil Disobedience movement.—Replying to Babu Kishori Mohan Chaudhuri the Home Member stated that from January to May 10,273 persons were arrested in connection with the Civil Disobedience movement.—Replying to Babu Kishori Mohan Chaudhuri the Hon'ble Mr. Reid said that during the period from January to May the movements of 3,374 persons were restricted under Section 4 of the Emergency Powers Ordinance 1932.—Replying to Babu Kishori Mohan Chaudhuri the Hon'ble the Home Member said that during the period from January to May 847 ladies were arrested in connection with the Civil Disobedience movement.—Replying to the same member the Hon'ble Mr. Reid stated that during the period from January to June fines were imposed on 1955 persons for taking part in Civil Disobedience movement of whom properties of 388 persons were attached for realisation of fines. The question elicited the information that fines to the extent of Rs. 1,49,448-0 were imposed on persons during the period for taking part in Civil Disobedience movement.

**11th. Miss Maniben Patel arrested :—**Miss Maniben Patel, daughter of Mr. Vallabhbhai Patel, who had been appointed the 23rd "Dictator" of the Gujrat Congress Committee, was served with a notice signed by the District Magistrate, directing her to sever her connection with the Gujarat Congress Committee, not to take part in the Civil Disobedience Movement, to quit Ahmedabad within twenty-four hours and to stay in her native town of Karmad in Kaira District. Miss Patel was arrested while picketing foreign cloth shops in Ahmedabad. She was released, but re-arrested on the next day for defying the District Magistrate's order.

**13th. U. P. Congress Committee President convicted :—**Mr. E. B. Gupta, President of the United Provinces Congress Committee, and Mr. Haraprasad Saksena, ex-

Editor of the "Oudh Akhbar" were sentenced by the City Magistrate, Lucknow, to six months' rigorous imprisonment each, for hoisting a flag on the Aminabad Police chowki. Both were served with a notice on the 11th instant by the District Magistrate ordering them to quit Lucknow for a month within twelve hours.—Four Bengalees were awarded six months' rigorous imprisonment each for picketing.

**15th. British workers' protest against Ordinance Rule :—**A procession on foot and in motors organised by workers at Kingsley House, where Mr. Gandhi stayed, marched from the Embankment through Clubland to Hyde Park carrying slogans stating the main facts present in the Indian situation under the Ordinance Rule. The procession was headed by a Christian Cross with a banner challenging the beholders to consider what Christ would do in India to-day. Although comparatively small, the procession attracted much attention and drew a large number in the Park where a meeting was addressed by Miss Muriel Lester, Dr. Maude Royden, Miss Agatha Harrison and others.

**First Batch of Terrorist Prisoners from Andamans :—**A batch of 25 convicted prisoners, including eleven of the Chittagong Armoury Raid prisoners were transferred to the Andamans. The batch also included a prisoner convicted in the Asahnullah Murder Case (Chittagong) and Bimal Das Gupta, convicted in the Villiers Shooting Case.

**16th. Premier's Communal Award Announced :—**The Prime Minister's award regarding communal representation in Indian Provincial Councils was announced simultaneously in England and India. It proposes separate electorates for the Mahomedan, Sikh, Indian Christian, Anglo-Indian and European constituencies. Members of the depressed classes will vote in general constituencies but certain special constituencies will also be created for them which would last twenty years if not abolished previously by the consent of the community. Women will be elected by special constituencies by voters on communal basis. Labour seats will be filled from non-communal constituencies. The statement shows that the Muslims retain the present weightage wherever they are in minority. Hindus of the Punjab will get 27 per cent, the Sikhs 18.8 and the Muslims get 86 communal seats, three landholders giving them 51 per cent. In Bengal the Muslim seats work out at 49.4, Hindus 39.2 and the Europeans 10 per cent. His Majesty's Government give no decision on the Central Legislature but assure that full regard will be paid to claims of all communities for adequate representation when considering the composition of the Central Legislature.

**17th. Mira Ben Arrested :—**Miss Slade (Mira Ben), disciple of Mr. Gandhi, who arrived in Bombay, was arrested on a charge of contravening the Police Commissioner's order asking her to quit Bombay and not to enter Bombay without the written permission of the Police Commissioner.

**Mr. Shivaprasad Gupta arrested :—**Mr. Shivaprasad Gupta and Mr. Murlidhar who were served with notices asking them to leave the Benares District within 24 hours, were arrested in the evening at the Chowk while they were passing in procession through the main road.

**Military Forces to be Greatly Increased in Bengal: Special Measure to Counteract Terrorism :—**The following Press Communique was issued :—The situation in Bengal caused by the terrorist movement has been reviewed by the Government of India in consultation with the Government of Bengal. In spite of special measures which have been taken, murders of officials have not ceased and political dacoities, mail robberies and thefts of arms and ammunition still continue. The Government of India are in full agreement with them that military forces in the Presidency should be very substantially increased. In accordance with this decision a force of two infantry brigades, less one British Infantry battalion, that is to say, six battalions of Indian Infantry and one battalion of British Infantry, will proceed to Bengal at the beginning of the ensuing cold weather and will remain there so long as circumstances demand their presence.

**19th. Police Firing in Bengal From January to July 15 : Home Member's Statement in Council :—**Replying to a question by Mr. Shanti Shukharswar Ray in the Bengal Council asking for a statement showing the number of

occasions on which the police opened fire to disperse a crowd or unlawful assembly and the number of persons killed and wounded as a result of such firing from January to July 15, 1932, the Hon. Mr. R. N. Reid, Home Member, stated that the number of occasions the police opened fire to disperse a crowd or unlawful assembly from January to July 15, 1932, was 16. The number of persons killed and wounded as a result of such firing was 13 killed and 76 wounded of whom 3 subsequently died. 58 Government officers were wounded.

**22nd. Police Officer shot at in Dacca :—**Mr. C. G. Grassby, Additional Superintendent of Police, in charge of the District Intelligence Branch, Dacca, was shot at at the Nawabpur level crossing and injured in the chin. Mr. Grassby, his guard and a sergeant, immediately chased one of the assailants and fired a number of shots at him, one of which struck him and he fell down near the telephone exchange. Mr. Grassby, who was evidently not seriously injured, went to the Mitford Hospital, driving the car himself. The injured assailant was also removed to the hospital in another car. Sixteen youths were subsequently arrested in this connection.

**25th. Mr. Siva Prasad Gupta Sentenced Again :—**Mr. Siva Prasad Gupta, Congress leader, who was recently released from jail, was sentenced to three months' additional imprisonment under Section 17 (B) of the Criminal Law Amendment Act. Mr. Gupta was served with a notice on the morning of 17th August ordering him to leave Benares within twentyfour hours, but Mr. Gupta preferred to participate in a Congress procession that evening, when he was arrested.

**27th. Dr. Kitchlew sentenced :—**Dr. Saifuddin Kitchlew, President of the All-India Congress, was arrested under the Special Powers Ordinance for violating the notice served on him ordering him not to enter the Lahore and Ambala divisions and sentenced him to two years' rigorous imprisonment with Rs. 250 fine, or in default six months' further imprisonment.

**Police Raid in Bombay: Congressmen arrested :—**Three dramatic raids carried out in quick succession in Bombay under the personal supervision of Deputy Commissioner of Police, Special Branch, culminated in the arrest of a number of men believed to be holding important portfolios in the "Congress Secretariat" and secretly directing the Congress operations in the city. A small party of police officers raided a building near Globe Cinema, Sandhurst Road, at midnight and awakened the inmates on the second floor. Several rooms were systematically searched and three men were put under arrest while they were in their beds.

**30th. U. P. "Dictator" sentenced :—**Mr. Gopinath Srivastava, President of the United Provinces Congress Committee, and seven others were sentenced by the City Magistrate, Lucknow, under Section 17 of the Criminal Law Amendment Act. to six months' rigorous each for assisting the operations of the District and Town Congress Committees declared unlawful, by leading a procession and addressing a meeting in Aminuddaula Park.

## SEPTEMBER 1932

**5th. Adjournment motion in Assembly on the Communal Decision :—**Sardar Sant Singh moved an adjournment motion in the Assembly, on 5th September, regarding the communal decision. He said that the whole scheme was impracticable and unworkable and would further divide the country. Sir C. P. Ramaswami Aiyar, Sir Cowasji Jehangir and Mr. Joshi pleaded that the Award must be accepted because the bigger issue of bringing the Hindus and Muslims together for demanding real Swaraj could be tackled only then. Mian Shah Nawaz and Sir Abdur Rahim put forth the moderate Muslim view, that the Award would not lead to communal parties anywhere. Mr. Ghuznavi pleaded for a Muslim majority in Bengal. Mr. M. C. Rajah expressed his disapproval of Mr. Ambedkar's attitude which he said had let his community down, while Mr. Morgan

declared that Europeans would join any conference for a fresh settlement. The Nationalists recorded their opposition by insisting on a closure of the debate while the other parties defeated this motion, and allowed it to be talked out.

**6th. Terrorist Outrages Bill Passed in Council :—**By 58 votes to 12, the Bengal Suppression of Terrorist Outrages Bill, as settled in Council, was passed in the Bengal Council on the motion of the Hon. Mr. R. N. Reid, Home Member. In response to an appeal from the Oppositionists for an assurance that the wide powers given in the Bill would be exercised with judicial restraint and moderation, the Hon. Mr. Reid declared that "Government has no intention of abusing the powers which the Council has given it by the provisions of this Bill" and added that for his own part he would do his utmost to see that no such abuse occurred.

**7th. Death of Pt. Shyam Sunder Chakravarti :—**Death was announced of Pandit Shyam Sunder Chakravarti at Calcutta at the age of 63. He was the founder of the "Servant" (now defunct) and was also associated with the Bengali newspaper "Bandemataram." Pandit Shyam Sunder participated in the Anti-Partition and Swadeshi agitations and was once deported under Regulation III of 1818.

**Armed Dacoity in Broad Daylight—Three Youths Arrested following Dacca Outrage—**Three Bengali youths who gave their names as Bhupesh Banerjee, Prasanta Sen and Adhir Nag were arrested in the morning with a pistol and two daggers following a daylight robbery near the railway station. It was stated that when Babu Barada Kanta Choudhury was returning home in his private carriage at about 9 in the morning, three youths armed with a 'pistol' and two daggers suddenly attacked him near the railway station and demanded money, Barada Babu gave away all the money he had, amounting to Rs. 45. His coachman, however, having raised a hue and cry, the culprits began running, but one of them was felled by a stone thrown by the coachman and immediately arrested. The other two youths, armed with a pistol and a dagger, were then chased by passers-by and some constables, whereupon they fired hitting one constable in the leg. They were, however, shortly afterwards captured. It was stated that the pistol found in the possession of the youths belonged to Mr. M. Banerjee, Munsiff, stolen from his place in March, 1931.

**8th. Mr. C. F. Andrews on the Viceroy's Speech :—**Addressing the Conciliation Group in London, Mr. C. F. Andrews said the situation had been in no way improved by the Viceroy's speech which was obviously designed to placate the moderates on the Conference procedure whilst refusing any terms with the Congress. "It is a form of 'Divide and Rule' common enough in such situations. The Viceroy's words imply that the Congress is not yet crushed but every effort will be made to accomplish that result, if possible, with the moderates' support. The aim is to deal a death-blow to the Congress before handing over responsibility so that the Government may never be confronted with Civil Disobedience again."

**12th. Gandhiji's Fast : Ultimatum to Government :—**(Gandhiji's resolve to "fast unto death" if the Government's decision to give separate electorates for the Depressed Classes was not abandoned, was conveyed in the correspondence between Gandhiji and Sir Samuel Hoare and the Premier, published to-day. In his letter to Sir Samuel Hoare of 11th March, 1932 from Yerravada Central Prison, Gandhiji objected to the creation of separate electorates for the Depressed Classes and informed His Majesty's Government of his resolve to fast unto death if they decided on separate electorates. After the communal Award was announced Gandhiji wrote to the Premier in pursuance of his letter to Sir S. Hoare he had decided to commence his fast from 20th September and that the fast would cease if during its progress the British Government revised their decision regarding separate electorates for Depressed Classes. The Premier's reply regretted that the Government's decision could not be changed except on the conditions laid down in that decision. Gandhiji, in his final letter to the Premier, wrote that he was compelled to adhere to his decision. He added that the fact of his having isolated the question of the Depressed Classes elaborate did

not in any way mean that he approved of the other parts of the Communal Award, but only they did not warrant such self-immolation as he proposed, in the matter of the Depressed Classes.

**18th. Temples thrown open to Depressed Classes :—**Twelve temples were thrown open to members of the Depressed Classes in Allahabad, among which was one belonging to Pandit Malaviya. All Hindu Temples in Ayodhya were also thrown open to all Hindus.

**India Fasts and Prays for Mahatma's Success :—**Reports of crowded meetings held in silence were received from all over the country. Resolutions as suggested by Sh. C. Rajagopalachariar were adopted at all public meetings. Reports of throwing open local temples to the Depressed Classes were announced at several places. Women also held meetings and passed similar resolutions at many places.

**20th. Gandhiji begins his fast :—**Gandhiji commenced his fast exactly at 12 noon. He announced his decision to do so in the course of prayers in which he was joined by Mr. Mahdeo Desai and Mr. Vallabhbhai Patel. Both his companions were visibly moved.

**21st. Temple Doors thrown open to Untouchables : Demonstrations All over the Country :—**Reports from all parts of India revealed what a wave of universal feeling of grave anxiety and deep agitation had swept the country from one end to the other at Mahatma Gandhi's grim resolve to fast himself unto death on the question of separate electorate for the Depressed Classes. While the Depressed Classes assembled in meetings in all parts of the country acclaimed Gandhiji as their true and sole representative and declared their complete confidence in him, the caste Hindus, on the other hand, rose to the height of the occasion and took the vow of eradicating the evil of untouchability and atone for their past sins in their treatment towards their depressed brethren. The portals of famous shrines and well-known temples were flung open to the hitherto despised and neglected members of the Hindu community. In public meetings and private dinners, high-caste and low-caste Hindus freely mingled with one another in a manner worthy of the glorious traditions of this ancient land.

**22nd. Police Raids in Calcutta : Hunting terrorists :—**Following simultaneous raids in different localities of the city the Special Branch of the Calcutta Police took about 26 persons including eleven ladies to the Special Branch Head Quarters at Elysium Row. The police altogether searched about 14 places including private dwelling houses and boarding establishments. Persons thus taken into Elysium Row Head Quarters for examination included Mr. Shailendra Nath Roy, Sm. Kamala Sen Gupta, Sm. Usharani Chakraverti and about nine other ladies and 14 youths. Many of the ladies were students. It was not known in what connexion the searches were made, but it was believed that they were in connexion with terrorist activities. Among other persons taken to Elysium Row were Dr. Sasadhar Sinha, Ph.D. (London), Samareesh Sinha, Ajit Kumar Sinha (students of Art School), Bejoy Madhab Sinha, Srijukta Kundarani Sinha (Head Mistress of the Corporation School), Nandarani Dhar, Fullarani Sinha (student of the fourth year B.A. class, Vidyasagar College) and Kundarani Sinha (Fourth year student of the Vidyasagar College).

**Curfew Order in Srinagar : 50 Injured in Communal Clash :—**It was officially announced that a communal clash occurred in Srinagar in connection with a procession of boy scouts during the exhibition week. Fifty persons were reported to have been injured and shops looted. No one was killed. The curfew order was enforced.

**24th. Bomb And Revolver Attack At Chittagong : Midnight Raid On European Club :—**A band of raiders, including a female in male attire, made a daring attack on the Europeans at the Assam Bengal Railway European Club, called Pahartali Institute. Some eight persons fell upon the Club with bombs, revolvers and rifles. Some spent rifle cartridges were found near the scene of

occurrence. Some bombs were also reported to have been thrown while some unexploded bombs were found and seized by the police. One European old lady was shot through the heart and died instantaneously. Determined attacks by revolvers and rifles appeared to have been made then as a result of which thirteen Europeans were more or less seriously injured and removed to different hospitals. The raiders all escaped except the woman in male attire who was found lying dead being shot in the breast at some distance from the Club. The woman was identified as Miss Priti Waddader, B. A., daughter of S. Jagatbandhu Waddader of the town. Some revolver and rifle cartridges were found in her pocket. "Red" leaflets of two kinds were also found with her. These leaflets were pasted all over the town on the previous night threatening the Europeans with dire consequences. Some Mahommedan caps were also found near about the Club showing probably that they were all dressed in Mahommedan attire. Vigorous searches were being made.

**26th. Mahatma Breaks fast :—**Mahatma Gandhi broke his fast at 15 p.m. by taking a glass of sweet lime-juice. Prior to the breaking of the fast Mahatma Gandhi held prayers along with his friends and relatives who had flocked into the jail much earlier.

**28th. Attempt on the Life of Sir A. Watson :—**While Sir Alfred Watson, Editor of the "Statesman," Calcutta, was out for a drive on the Maidan in the evening with Mrs. R. Gros, his Secretary, suddenly a car at high speed drove level and the occupants of it fired about ten shots injuring Sir A. Watson, Mrs. Gros and the driver. Sir Alfred Watson was injured in both his shoulders. He was removed to the Presidency General Hospital. Mrs. Gros sustained a slight injury in the hand, caused by a spent bullet. The driver's injuries were serious. It was stated that the assailants of Sir A. Watson were three in number and that after the outrage they escaped in their car to Behala where it was abandoned. The assailants were pursued by a crowd and two of them fell down dead, presumably self-poisoned, while the third escaped in a taxi. A number of searches and arrests were made, including the arrest of a youth named Promoderanjan Bose.

**30th. Country wide drive against Untouchability :—**The decision of the Hindu Leaders' Conference held in Bombay last week to start an All-India organisation to carry on propaganda for the abolition of untouchability was given a practical shape at a mammoth meeting of Bombay Hindus held in the Sir Cowasji Jehangir Hall. The meeting which was representative of all sections of the Hindu community inaugurated an All-India Anti-Untouchability League with Mr. G. D. Birla as its president and Mr. A. V. Thakkar of the Servants of India Society, as the Secretary. The Head Quarters of the League would be at Delhi and provincial branches would be established forthwith. Pundit Malaviya who presided at the meeting declared that the institution of untouchability had no religious support and there was nothing against religion in the present movement.

## OCTOBER 1932

**3rd. Mr. Bann's indictment of Government's Indian Policy :—**Mr. Wedgwood Benn, speaking at the Labour Conference, which began at Leicester, on an emergency resolution moved by Mr. Lansbury reaffirming Indians' right to choose their own form of Government and urging the revival of the policy of the Delhi Pact with a view to an amnesty and the renewal of an effective Round Table Conference, reminded the Conference that Labourites had found India sullen, resentful and unwilling to co-operate, but treating Civil Disobedience with the "will to peace" they had got her co-operation and brought to London men including Mahatma Gandhi who were ready and willing to talk of peace. Affirming the necessity for securing again the "will to peace", Mr.



Benn said that Mr. MacDonald came to the Round Table Conference with the set purpose of closing it. "He closed the Conference before it had even approached the issues. Peacemakers like ourselves were swept out."

**Masuria Shooting Case** :—Judgment in what was known as the Masuria Shooting case was delivered inside the jail compound, Contai convicting only 54 out of 99 accused, sent up for trial on charges under sections 147, 332 and 154 I.P.C. The Magistrate sentenced 48 of the accused persons to two months' rigorous imprisonment each ; five others to four months' and one Nabin Sardar to four months' on each of the three charges, sentences running concurrently. Five others again were let off with warning.

**5th. Rule By Ordinances Condemned : Scottish Missionaries Letter to Members Of Parliament** :—A group of Scottish missionaries, who were connected with India, addressed a letter to the Scottish Members of Parliament saying that the National Government's efforts to expedite the attainment of Self-Government by India were doomed to disappointment, unless the administration abandoned or greatly mitigated the present policy of governing by ordinances. It was pointed out in the letter that the rule by Ordinances had created bitter resentment among all classes of people and among many of those who were previously consistently friendly in their attitude towards Government. While on the one hand the missionaries appealed to those having influence with the Congress to use their influence to try and bring about an understanding they were convinced on the other hand that the time had again come for a magnanimous gesture on the part of the Government of India. Such magnanimity would not be misunderstood and would help to recover something of the goodwill so strikingly manifested at the second Round Table Conference and would contribute to the creation of an atmosphere in which alone the new constitution had any reasonable chance of being worked.

**6th. Sir S. Hoare on the future of India : The Blackpool Conference** :—A stirring appeal to "trust the Government" was made by Sir Samuel Hoare at the Conservative Conference at Blackpool, followed by the endorsement of the Government's Indian constitutional programme of "an honest attempt to create an All-India Federation based upon Provincial Autonomy and safeguards." Sir Samuel Hoare pointed out that a new feature was introduced into the Indian situation by the readiness of the Princes to enter an All-India Federation on certain conditions. He said that those conditions would be investigated in the autumn. The Conference did not approve of Mr. Churchill's resolution but passed an amendment approving of the procedure outlined by the Government for introducing the constitutional reforms.

**11th. Communal Fracas at Bulhadda** :—14 Mahomedans were killed and 11 seriously injured in a fracas with Sikhs and Jats, following a dispute over the theft and slaughter of cows in a slaughter house at Bulhadda, Hissar District, Punjab. Offenders who were reported to be three in number escaped.

**13th. British Parties United against India : Die-hard campaign against R. T. C.** :—Addressing a Liberals' mass meeting at Queens Hall, London Lord Lothian expressed the opinion that national unity about India was essential and it would be fatal if India's future was allowed to become a plaything of party politics. Fortunately in this regard there was no disagreement between the parties but there was room for an independent Liberal view not against the Government, but against Richards who were beginning a campaign against the conclusions of the Round Table Conference. The difference between the Liberals and Richards was fundamental. The Liberals would support the Government as regards India as long as the Government adhered to the National policy already proclaimed. Sir Herbert Samuel, the principal speaker, claimed that the main task for which he had joined the Government was finished.

**Government's terms for Gandhi's release** :—The Private Secretary to His Excellency the Viceroy wired as follows to Sir P. S. Sivaswami Aiyar in reply to his message relating to the release of M. Gandhi :—"His Excellency wishes me to thank you for your telegram and fully appreciates your feelings, but he would remind you that the position of the Government was stated by the Secretary of State

in the House of Commons on April 29, when he said that there clearly could not be any question of co-operation with anyone associated with civil disobedience. It must therefore be clear to everyone that it is open to Mr. Gandhi at any time to secure the objects you have at heart by dissociating himself definitely from civil disobedience."

**15th. The Lucknow Conference :—**The All-Parties' Moslem Conference held at Lucknow passed unanimously a resolution embodying complete agreement among the different sections of the community. Since the Conference felt that an agreement between the various communities of India was essential to the attainment of Responsible Government, the conference had resolved that, subject to the definite acceptance of the Moslem demand, except the question of separate electorates (as embodied in the resolution of the All-Parties Conference in Delhi in 1929 and as amplified by the Jamiat-ul-Ulema in 1931 and the Shia Conference) the method of election to the Provincial and Central Legislatures be made the subject of negotiations with other communities. A committee was appointed to negotiate an agreed solution of the communal problem, within the terms of the resolution of the Conference.

**29th. R. T. C. Delegates sail for London :—**Sir Tej Bahadur Sapru, Mr. Jayakar, Mr. Kelkar, Sir Cowasji Jehangir, Dr. Shafat Ahmed Khan, Sirdar Tara Singh, Sir Akbar Hydari and other members of the Hyderabad delegation, and the members of the Kashmir delegation sailed from Bombay for London to attend the R. T. C. Sir T. B. Sapru said that he was attending the R. T. C. as a part of his duty and said that he would not approve of any constitution which did not grant responsibility at the centre, of course with safeguards in the interests of India. Reforms by doses, viz., provincial autonomy first, and Central Responsibility later, were not acceptable to him. Mr. Jayakar endorsed Sir T. B. Sapru's views.

**Death of Sir Ali Imam :** Sir Ali Imam passed away at Ranchi, where he had gone for a holiday. Death was due to heart-failure. Sir Ali Imam was born in 1869. He was appointed the Law Member to the Government of India in 1910 and was regarded as the maker of Bihar, having played an important part in its creation as a separate province in 1912. Later, he served as the Chief Minister in Hyderabad from 1917 to 1920. He was one of the signatories to the Nehru Report and the leader of the Muslim Nationalist Party in India.

**31st. Persons Convicted For C. D. Movement in India :—**Sir Samuel Hoare stated in the House of Commons that the total number of persons convicted in connection with the Civil Disobedience movement up to the end of September were 61,551. The number of persons undergoing imprisonment at the end of September were 19,858 which, he observed, marked a decline of 1,564 from the number of persons in jail on August 31st and a decline of 12,650 from the number of persons in jail on April 30.

## NOVEMBER 1932

**1st. Rights of Untouchables To Enter Temples : Resolution Carried By Madras Council :—**Dr. Subbaroyan's resolution acknowledging the rights of the so-called Untouchables to enter temples without let or hindrance, was carried to-day in the Madras Council without any dissentient voice, 56 voting for and 19 remaining neutral. Members of the Treasury Benches also remained neutral. The resolution sought to recognise the growing public feeling for removing the disabilities of the Untouchables in regard to public worship by taking advantage of the great impetus given by the Poona Agreement and the consequent country-wide agitation for translating the spirit underlying the Agreement into action.

**2nd. Three Madras Ministers' Resignation : Scramble For Party Leadership :—**

The simmering in the Justice Party over its leadership, which had been going on for the last one month, reached its climax to-day when in the afternoon both Messrs P. T. Rajan and Kumaraswami Reddiar, second and third ministers of the Madras Cabinet, tendered their resignations to H. E. the Governor who accepted them. At about 5 o'clock Dewan Bahadur B. Munuswami Naidu, Chief Minister, also tendered resignation. Consequently the motion of no-confidence intended to be moved against him at the party meeting in the evening was dropped.

**8th. Judgment in K. P. Sen Murder Case :—**The Special Tribunal delivered judgment in the K. P. Sen Murder Case in which Kalipada Mukherjee (26) was accused under Section 302 I. P. C. The Tribunal unanimously found the accused guilty and in the absence of any extenuating circumstances sentenced him to death. Kalipada, the accused received the judgment calmly. The Commissioners in the course of their judgment found the confession of the accused to be true in so far as it implicated the present accused and they were satisfied from the attendant facts and circumstances that it was the present accused who shot and killed the late Mr. Kamakshya Prosad Sen. They found no extenuating circumstances in favour of the accused.**10th. Lord Sankey Wants A Gesture From Mahatmaji :—Appeal For Peace And Co-operation :—**

"Mr. Gandhi has power to change the situation and can do much to restore peace. Civil Disobedience does not strike individuals, but ordinary organised Governments and civilised society. I believe that if Mr. Gandhi made a great gesture and dropped the weapon of Civil Disobedience and with followers offered to co-operate with the British Government, the whole situation would be transformed. Co-operation cannot mean that the man gets immediately all he wants, but means that he gets infinitely more than he could by fighting to a finish," wrote Lord Sankey in a letter to the "News Letter". After paying tributes to Gandhiji's sincerity and character, Lord Sankey concluded : "Let him abandon Civil Disobedience and bend his great powers to the task of bringing men together, instead of keeping them apart. Then I have no fear for the future."

**17th. The London R. T. C. Conference :—**

The third and last session of the Indian Round Table Conference opened in the Conference Chambers of the House of Lords Committee rooms. The proceedings lasted only half an hour. The Premier welcomed the delegates and in doing so he hoped that they would settle down to details in a businesslike manner. The Government, he said, would unstintingly do everything to contribute to the success of the work. The Conference agreed to the Premier's suggestion to establish a Press Committee and adopted a provisional agenda. Sir Samuel Hoare explained that the object of the agenda was to cover questions not yet sufficiently discussed and to avoid a repetition of past discussions.

**Babu Purushottamdas Tandon Arrested :—**Babu Purushottamdas Tandon was arrested for addressing a prohibited meeting at Allahabad. Notices regarding the Lajpat Rai meeting were served on Dr. Katju, Dr. Mahmudullah and Babu Purushottamdas Tandon, the convenors. The notice stated that whereas Captain Coulen, Superintendent of Police, was satisfied that the assembly, if uncontrolled, was likely to cause a breach of the peace, he, under the provisions of Section 30, sub-section 2 of the Act 19 of 1861, required them as convenors to apply for licence for the same, and if an application were made, he would define the conditions under which the meeting could be held. As no permission was taken, the park where the meeting was announced to be held was guarded by the police. Babu Purushottamdas Tandon addressed a big crowd gathered near the park for ten minutes, when he was arrested.

**Watson Shooting Case :—**Judgment was delivered by Mr. T. H. Ellis, Special Magistrate, Alipore, in the case in which Sunil Chatterjee, Promode Ranjan Bose, Abani Lhusan Dutt, Amar Chandra Ghose, Pran Kumar Das and Manasha Charan Bakshi were prosecuted on charges of conspiracy and murder of Sir Alfred Watson, Editor, "Statesman" and harbouring or concealing offenders. Accused Sunil Chatterjee, Promode Ranjan Bose and Amar Chandra were

found guilty and Sunil was sentenced to transportation for life, Promodo Ranjan to 10 years' R. I. and Amar Chandra to 2 years' R. I. The remaining three accused Pran Kumar Abani, and Manasha Charan were acquitted.

**18th. Jail Superintendent shot at :—**While out motoring with his wife and daughter, Mr. Charles Luke, Superintendent of the Rajshahi Central Jail, was shot at on the road outside the jail compound, and close to the Rajshahi General Post Office. It was stated that Mr. Luke was driving in the evening at about 5-30 p.m., with his wife and daughter seated on the back seat of his car. The passage of the car was obstructed by an unknown youth, who threw his cycle in front of the car, and as the car stopped, fired immediately from a revolver, injuring Mr. Luke in the face. Mr. Luke bled profusely. He was taken to the Presidency General Hospital, Calcutta. Three youths were arrested.

**22nd. Indian question in the King's Speech :—**In the King's speech opening Parliament, the reference to India said :—"My Ministers and other members of both your Houses are meeting in Conference representative of Indian States and British India. They hope thereafter to place before you proposals for further constitutional development in India. Decisions to be taken will be of great moment to the whole of my Empire and I shall watch your deliberations with great interest."—Mr. Lansbury said that the speech did not contain reference to the conditions in India or to the repression, nor mentioned whether there was any possibility of the people of India accepting or agreeing to any conclusions that might be reached at the Round Table Conference.

**27th. Ottawa Committee's Report :—**The Ottawa Committee, having concluded its labours, signed the report to-day ratifying the Agreement for three years and suggesting the appointment of a Committee of fifteen members of the Legislative Assembly to examine the working of the Pact and to submit its report annually. Mr. Sitaramaraju, Mr. Harbilas Sarda and Sir Abdur Rahim issued a separate report in which they stated that they were unable to accept the majority conclusion on the ground that the scheme of preferential tariffs was not in the interests of India. Sir H. S. Gour and Mr. C. S. Ranga Aiyar, in a supplementary note, said that they accorded consent provisionally to the Agreement for a short period of three years at the end of which the Government should place before the Assembly the results of the experience gained regarding its operations and the Assembly should decide whether the Agreement should continue.

## DECEMBER 1932

**3rd. Gujarat Political Conference Arrests :—**About fifty more arrests were made of persons alleged to be delegates to the Gujarat Political Conference. Thirty-five of them were arrested on the railway station as they alighted from various trains, while the rest were arrested as they were passing through Maueck Chowk, the business quarter of the city. The total arrests numbered 100.

**6th. Assembly Ratifies Ottawa Agreement :—**After a debate in which 60 speakers took part the Assembly voted to-day in favour of the ratification of the Ottawa Agreement by 74 votes to 27. Sir Abdur Rahim, the first speaker, opposing ratification said he had been dubbed as an irreconcilable opponent of the agreement but was sure the country was behind him whatever might be the decision of the House.

**13th. Letter to Zamorin Signed by Benares Students and Professors :—**Over the signatures of 2354 students, professors and other members of the Benares University, the following letter was sent to the Zamorin on the Guruvayur temple : "We the undersigned members of the staff and students of the Benares

Hindu University believe that every Hindu, however humble his caste and status may be, should have an opportunity of obtaining *darshana* of the deity whom we worship in our temples. We therefore earnestly and respectfully appeal to you to have such an opportunity extended to those Hindus also who have not hitherto enjoyed the privilege of entering temples. We firmly believe this will strengthen the *shraddha* and *bhakti* in them all and thereby promote the noble cause of religion."

**14th. Attack on S. P. of Malda by Sonthals :—**Three Sonthals were killed and four wounded, while one police constable died of wounds received in a clash between Sonthals and the police. A few hundred Sonthals headed by Jitu Chotka and Samu of Banshari in Dinajpur District, who styled themselves as "Gandhi" occupied the Adina mosque, defied authorities and declared "raj" of their own. On receipt of the information the District Magistrate, the Superintendent of Police and 25 armed constables, accompanied by some non-official gentlemen hastened to the spot. All persuasions failed and a police constable was fatally wounded with an arrow and the Superintendent of Police was attacked by the Sonthals with arrows and swords. The police thereupon opened fire as a result of which three Sonthals were killed and four wounded. The police then arrested sixteen Sonthals and brought the situation under control. The constable who was wounded by the Sonthals died in hospital.

**16th. Bengal Public Security Bill :—**On the motion of Mr. W. D. R. Prentice, Home Member, the Bengal Council passed the Bengal Public Security Bill as amended by 52 votes to 24. The object of the Bill was to fight the Civil Disobedience movement.

**Mahatma's Programme for Anti-Untouchability Day :—**Mahatma Gandhi issued the following message for the Anti-Untouchability Day—"I hope the message of hope born of the movement for the abolition of Untouchability will penetrate Harijan quarters in every village in India on next Sunday which has been fixed by the Central Board for the removal of Untouchability. Every Hindu child can do something by the way of some little services to his or her Harijan brother or sister in this mass movement of self-purification. I have been listening to discourses of Sanatanist friends with respectful attention with a perfectly open mind, and I shall continue to do so as long as they will strive with me with a view to my conversion into their interpretation of Hinduism; but the conviction is daily growing upon me that untouchability as it is interpreted and practised to-day has no sanction whatsoever in the Hindu Shastras taken as a whole, as they must be taken. There can be no doubt that the present interpretation and practice of untouchability is utterly contrary to every canon of morality.

**21st. Police search Mrs. Hansu Mehta's rooms :—**The rooms occupied by Mrs. Hansu Mehta and Mrs. Goshiben Captain at Grand Hotel, Allahabad, were searched by the police armed with a search warrant issued by the District Magistrate. A party of police went to Grand Hotel at 5 p.m. and when Mrs. Mehta and Mrs. Captain returned to the Hotel from the Unity Conference Committee meeting, they searched the rooms and all the luggage. The search lasted for twenty minutes, but the police found nothing incriminating. It appeared the police expected to find some proscribed literature.

**23rd. Final Speeches of the R. T. C. Delegates :—**In the course of a general debate of the Round Table Conference, Sir T. B. Sapru said that for the constitution to be workable the co-operation of the Congress was necessary and it was imperative that the political prisoners should be released.—Lord Peel joined with Sir T. B. Sapru in saying that Congress co-operation was essential.—The Raja of Sarila said that no distinction should be made between States in the institutions of the Federal Constitution.—Sir Akbar Hydari and Mr. Liaquat Hyat Khan declared that the States were anxious to enter the Federation.—Sardar Tara Singh pleaded for support of the Allahabad Agreement.—Sir Purshottamdas Thakurdas warned the Government that the people of India would not seriously consider constitution-making so long as Gaudhiji was in jail.—Sir Manubhai

Mehra said that there was bitterness in the very core of the people of India and therefore appealed to Britain "to give freedom with open hands and good grace."

**Burma's verdict : Federation with India with Right of Secession :—**The Burma Council after six day's debate defeated by a majority of ten votes Ba Po's motion urging the Government to accept the principle of separation of Burma from India and urging the Government to convene a representative Conference to determine the future constitution on defined terms. The Council carried the Anti-separationist amended motion opposing separation on the Premier's constitution, also permanent and unconditional Federation and suggesting terms for the future constitution in the alternative proposing Burma's entry in the Indian Federation on conditions with the right of secession and urging an early Conference to determine the future constitution on defined terms. The motion was carried without division. Officials remained neutral in the debate as well as voting on all motions.

**24th. Round Table Conference closes :—**The final meeting of the Round Table Conference in London was held, Lord Sankey presiding. He opened the proceedings with announcing the King-Emperor's message to the delegates. Sir S. Hoare then addressed the Conference. He referred to the work of the two previous conferences, the great achievement of which was the idea of the All-India Federation. He also referred to the Communal Award and the valuable reports of the various committees that came to India. He then spoke of the two results of the third conference viz., clearly delimiting the field upon which the future constitution was going to be built in a much more detailed manner than in the past and the creation of an *esprit de corps* amongst all. Regarding the question of Federation, Sir Samuel said that there were difficulties in the way of fixing the date of introduction but promised that the Government would do their utmost to remove every obstacle as early as possible. On the question of transfer of Financial Control he said that the Government had fully accepted the fact that there could be no effective responsibility without financial control. And this is to be granted subject to safeguarding by the establishing of a Reserve Bank. Defence, Sir S. Hoare said, should remain the sole responsibility of the Crown, but the Government would make it clear in the instructions to the Governor-General that the reserved side and the popular side work in closest co-operation. Sind and Orissa should both be separate provinces. Sir Samuel concluded with an appeal for co-operation and promised full consideration of Sir T. B. Sapru's appeal, for the release of Gandhiji and other political prisoners. Lord Sankey, speaking next, regretted the absence of the Congress and British Labourites. He advised Indians to strive for an ideal but accept the practically possible. He warned the Princes against delay in giving a definite assurance about entry into the Federation.

**The Unity Conference :—**The Allahabad Unity Conference which held its last session, before adjourning, was presided over by Pandit Malaviya. The Pandit announced that an agreement had been reached on all the points except on a few small matters left over which would take a little time for settlement. The Bengal question will be settled in Calcutta by a Sub-Committee. Pandit Malaviya hoped that Europeans and Anglo-Indians would co-operate. The General Secretary of the Conference then read the resolutions discussed and framed by the Sub-Committee. In the Central Legislature the proportion of seats allotted was : 32 per cent Moslems, 4.2 per cent Sikhs, 2 per cent Indian Christians and one seat for Europeans and Anglo-Indians combined. In the Punjab Council the seats would be : Moslems 51 per cent, Sikhs 20 per cent, Hindus 27 per cent, Indian Christians 3 seats, Europeans and Anglo-Indians one seat. The case of Bengal would be decided at Calcutta. The Joint electorate formula, adopted in November, was kept intact with the additional mention of Parsers, Jews and other small minorities. A congratulatory motion on the decision of the people of Burma not to separate from India was carried unanimously. The Conference was then adjourned to a time and place to be announced later.

**28th. Indian Moderates Doubtful and Dismayed : Heart-searching after London Tumults :—**"Time has come for action", said the "Daily Herald" in a leading article. "During the next few months India Bill must be produced. If it is bold in essentials and if it honestly and courageously fulfils the pledges given to India, then all squabbling over detail need arouse apprehension. The essence of whole matter is the promise given at the first session of the Round Table Conference that responsibility for government shall be placed in the Central and Provincial Legislatures subject to safeguards. Will this pledge be fulfilled ungrudgingly or is there basis for fears that Central responsibility is to be postponed, safeguards are to be unreasonable and transition period is to be immeasurable and elastic in length? The third session, despite official assurances has closed leaving even Indian Moderates doubtful and dismayed. The Indian press is suspicious and distrustful. We await with anxiety Government's decisions."

**29th. Mahatma Gandhi postpones fast :—**Gandhiji postponed his intended fast indefinitely, in view of the official announcement that the Viceroyal sanction to Dr. Subbarayan's Bill could not possibly be announced before the 15th January, while the contemplated fast was to take place on the 2nd. Gandhiji issued a statement regarding his decision, in the course of which he recalled the Bombay Conference, soon after the Yerrowada Pact, and said that there could be no rest for him until untouchability became a thing of the past.

# INDIA IN HOME POLITY

## INTRODUCTION

The political history of India for the last few years has not run smooth and straight. It has surged up and down and taken bends. To-day it seems to take a new turn at a point where it would be advisable for the reviewer to pause, look back, and try to put together on his canvas the rapid and isolated sketches that he might have taken of what he saw before. A whole view and a connected view of what went before seems to be essential to an appreciation of what is now going on before our eyes. We therefore begin with a brief recapitulation.

### I. THE BASIS OF INDIAN DISPENSATION

Even while the second Round Table Conference was plying through the perilous rocks and sunken reefs of hostile British interests and mutually warring elements of Indian communalism, and Mahatma Gandhi as the sole representative of the Congress was sweating himself unto death at the rudder, some of the benighted Indian crew scented a plot brewing in high quarters to blow up the battered ship before she was definitely steered towards her haven of fulfilment. The great Tory party had never liked at heart the R. T. C. plan and method. To them the principle of the R. T. C., applied to the case of a "trust" and "dependency" like Ireland or India, implied an abrogation of the sovereignty of the British Parliament as the sole arbiter of Imperial destiny. It involved a betrayal of imperial trust, a shirking of imperial responsibility. Some British high imperialists would, perhaps, fight shy of such high-flown sentiments and simply say that to treat with elements of disloyalty and disaffection in the dependencies of the Empire, as one would treat with an ex-enemy of an independent State, is to deal a blow to the majesty of the Paramount Power; it means a lowering of its prestige and authority, and entails a surrender of its prerogative and interest. It is the duty of the Paramount Power to suppress with an iron hand the elements of disloyalty and revolt, and then, when order and respect for authority has been completely restored, to decide by the exercise of its own judgment and authority what may be good and expedient for the disaffected limb of the Empire. It may condescend to hear what the disaffected limb may have to say; but it is no part of the business of that limb to claim a share in the judging and deciding itself. This was the philosophy of the Tory Government which had sent out an All-white Commission (the Simon Commission) to India to hear what the people had to say and report. The people however would have none of the honour thus unceremoniously thrust on them. They practically boycotted the Royal Commission. Even the die-hard optimism of Liberalism stood resentfully aloof. The Commission however produced a mountain of Report out of a molehill of actual evidence. And it was this Report that the official Tory party in England was prepared to adopt as the basis of



its Indian decree and dispensation. It was not prepared to sanction any other basis. Why? Because any other basis would not suit its imperialistic philosophy and outlook. Any other basis like that of the R. T. C. plan would be subversive of the very first principles of British Toryism.

## II. HOW LABOUR LOOKED AT IT

The Labour party in England had, on the other hand, committed itself to the principle of self-determination in relation to all subject countries including India. When, therefore, that party came into office, it naturally began to look about for a plan that would look like giving India a chance for self-determination, and thereby, satisfying its own official Labour conscience. In grim earnestness had India been agitating for Swaraj. Some constructive plan must be put forward to meet the situation aggravated by the Tory mishandling of it. The Simon Commission plan would not do. Not simply because its proposals were felt to be inadequate in India, but because the Commission had been thrust upon an India that had not only declined but resented the honour of its visit. It was part and parcel of the Tory policy of imperial decree and dispensation. The Labour Government was, therefore, well advised to silently bury the Simon "upstart", and look about for a means and method whereby the live wire between Indian nationalism and British statesmanship, so rudely snapped by unimaginative Tory obtuseness, might be joined together again. India had been demanding not only Swaraj, but self-determination as regards how and when that Swaraj should be attainable by her. Now, the Labour Government thought of a device by which it could make a gesture conciliatory to that Indian demand. That gesture was the Round Table Conference.

## III. THE R. T. C.

The Round Table idea had not been quite a new one. During the rule of Lord Reading, when the Non-cooperation Movement had been at its zenith, the idea had been seriously canvassed in the responsible quarters, both official and non-official, and it was suggested that the idea would probably have materialized had not Gandhiji at the supreme moment vetoed and turned it down. During Lord Irwin's regime however the idea was revived presumably under Labour sponsorship. It took its first material shape in that fatal conference of Gandhiji and some other leaders with the Viceroy which ended without having reached any common basis of agreement. The discussion had centred chiefly round the object, plan and procedure of the proposed Round Table Conference in London. The Home Government and the Indian Government thought that by that proposal India was given an unique opportunity not only for consultation but self-determination, in the matter of her constitution-building. For, did not the Labour Government say that its Indian programme in the British Parliament would be chiselled on the model of the agreed plan fashioned in the Round Table Conference in which Indians would be invited to sit as full-fledged delegates? This, in effect, was what was stated by the Government of Lord Irwin to be the object of the R. T. C. Gandhiji on behalf of the Congress could not offer his co-opera-

tion because the Congress had already voted for Independence, and, therefore, it was not possible to persuade it to agree to any proposal which in its preamble did not concede without question that the substance of independence was forthwith to be granted to India. This substance of independence must be guaranteed to India at the outset. That must not be left an open question. The Conference must proceed on that postulate. It must meet to hammer that substance of independence into definite shape; to show, for instance, what adjustments there must be during the transition period of transference of power from British hands into Indian. This the Labour Government could not guarantee. It would commit itself for the proposed R.T.C. to the acceptance of any preamble or postulate in advance. It must wait and see. Let the Conference first meet and deliberate and come to an agreed solution. For it, every question must be left as an open question—the question of the object as well of the means, question relating to principles and those relating to their detailed working.

#### IV. WHY IT FAILED TO ATTRACT CONGRESS

There should have been little practical difficulty about this if Labour could command courage enough to stick to its principles and professions. But it was not prepared to risk its life on the Indian issue. It was perhaps more anxious to carry the British Liberals and Tories with them than the Indian Nationalists. The issue of their Indian labours must have the blessings of all parties. So the proposed Conference was to be representative of all possible interests and shades of opinion, British as well as Indian. And it was felt—and rightly so—by the Congress that such a promiscuous conference could hardly be expected to yield any results even remotely foreshadowing the fruition of Indian aspirations. The Congress in reaction launched the Civil Disobedience Movement to create "sanction" or dynamic power needed for effectively pressing and bringing home its demands.

#### V. THE PLEA OF OFFICIAL LABOUR

Suspicious were then openly expressed in some quarters that official Labour was not, and did not intend, playing its game with Indian Nationalism fairly and squarely; that it was as good an imperialist at heart and as staunch a votary of the cult of British trusteeship in India as its Liberal and Tory compatriots. Only the Tory die-hards had been more outspoken. In spite of all its professions of self-determination, it was perhaps as definitely inclined as any other party in England to regard the Congress demand for independence as crying for the moon. The plea of official Labour was that it was sincere in its solicitude for Indian emancipation, but that its actual course of action was determined by conditions of political reality and considerations of practical statesmanship which required a cautious and slow movement along the line of least resistance. The dual policy of repression and conciliation which it followed was none of its own seeking; it was precipitated by the impatience and obstinacy and opposition of Congress leadership. The trouble should have been avoided if Congress had not refused to grasp the hand of friendship and co-operation which Lord Irwin had extended to it. The Congress decision to launch the Civil Disobedience

Movement was therefore most unfortunate. It was unfair and unjust to Labour. It drove Labour, that came to befriend and help, to defensive warfare. Its anxiety to secure the co-operation of the other British parties in the House of Commons was obviously justified by considerations of prudence and political sagacity. It wanted to build on a sound and durable basis. The structure raised by it might at first lack the grandeur and magnificence of Indian political idealism, but it was meant to be a structure that would last and that would be habitable. It would be such as could be added to and perfected as necessary and in the process of actual trying. The Tory Government, when it should come, would not pull it down, because it had been as a party invited to have a share in the making of it.

## VI. LABOUR HANDLING—A DEPARTURE

We need not discuss the grounds for justification either of the suspicion of the Indians as to the intentions of Labour, or of the plea of Labour itself as stated above. It is to be noted however that the Labour handling of the Indian situation was in two respects a departure from the former Tory treatment of it. First, it admitted the fundamental blunder of the Simon Commission plan and substituted for it the Round Table method. Secondly, it had the courage to act and open negotiations with the Congress while the latter was carrying on the Civil Disobedience Movement which had so far shown no sign of weakening or receding. The Gandhi-Irwin Agreement was in no sense an agreement between the victor and the vanquished—a circumstance which made it so galling and bitter to the Indian bureaucratic throat that was to swallow it. It was for that very reason an engagement of honour from the Indian nationalist point of view. The first Agreement was followed by another which secured the co-operation of the Congress in the labours of the R.T.C. This cooperation was offered on the basis of the Premier's declaration of policy at the close of the first Round Table Conference which had met and deliberated without Congress collaboration and in an atmosphere of intense political activity in India—a declaration which definitely accepted full responsibility as the Indian objective, spoke of a transition period during which certain reservations and safeguards might be put in to balance the Indian constitution, but which must be such as to subserve the interests of India. The Congress participated on the distinct understanding that all reservations and safeguards in the transition period would be demonstrably in the interest of India.

## VII. TWO INITIAL MISTAKES

This was all right so far as it went. But the Labour Government had made two initial mistakes which it would not or could not rectify. It had made a pact with the Tories and Liberals, and the collaboration of these parties in the R.T.C. and in the Parliament necessarily meant that the measure of responsibility to be conceded in the Indian constitution would be the least possible, and that of the reservations and safeguards the largest possible. By that pact official Labour consented to move with a perpetual Tory halter round its neck. And as events showed, that halter not only gagged but smothered Labour. The second mistake was due to its failure to make

the Indian representation in the R.T.C. truly representative in character. In this it played into the hands of reactionaries who so arranged matters and so pulled the strings that the discomfiture of the R.T.C. as a solvent of the Indian problem would be a foregone conclusion. The Conference was packed with ultra-loyalists, political fossils and rank communalists. To these two might be added another mistake. The Government would never speak its own mind or disclose its Indian designs and plans. There was nothing to inspire faith in its ultimate intentions.

### VIII. WHY R. T. C. FAILED

The Congress participation in the R. T. C. after Mahatmaji's second Agreement with the Government was of course a leaven that tended to make the R. T. C. business in every sense a more real and more interesting one. The presence of Mahatma Gandhi as the plenipotentiary of the Congress invested the Indian element of the Conference with a more truly representative character. The man who admittedly could "deliver the goods" now sat at the table. This was a great advantage from the real business point of view. But the motley Indian element, or a considerable section of it made a common cause with a section of the British element to refuse to take advantage of this. Every body claimed to be as truly representative as the Congress member. The grim reality of the Indian situation was thus ignored by false pretences in the St. James' Palace. Then again, the communal interests, in spite of the best efforts of Mahatma Gandhi, not only did not show any signs of yielding quarters, but they seemed to enter into a pact with the reactionary forces that insisted on the imperial reservations and safeguards, and demanded those reservations and safeguards for themselves. That is to say, they seemed to think that the proposed checks and balances in the constitution were in the interest of India herself, inasmuch as by them it was intended to protect the interests of the minorities from the tyranny of the majority rule. An unbridled and unchecked Congress Raj would prove, according to them, a state of intolerable tyranny. The British Government should therefore hold the reins in their hands to prevent this calamity. They are to see that the newly implemented constitution is not run into the ditch. All attempts of Mahatma Gandhi failed to bring round the narrow and reactionary forces to a common, consolidated, patriotic nucleus for action. Indian swaraj is no good if it lacks the reservations and checks which British imperialist interest and Indian communalist interest combine to demand as essential. Thus the Congress, which was practically the sole factor in the field of Indian political struggle, was sought to be cornered in the St. James' Palace. The Labour Government which was still in power persisted in refusing to disclose its own Indian plans. It was content to let matters drift. Its mind seemed to be undecided. Or perhaps it looked on while the Conference itself was showing proof positive how utterly impracticable from every point of view was the extremist demand which Mahatmaji carried in his "pocket." That demand seemed to be opposed at every point not so much by British as by Indian objections. The Princes would have none of it; the Mahomedans, Depressed Classes and Sikhs

would have none of it unless their special claims were first conceded; and even the Liberals would not go in for the whole of it. So Mahatmajī's seemed to be the solitary, discordant, insurgent note.

#### IX. THE GENERAL ELECTION—HOW IT AFFECTED THE SITUATION.

In the last phase of the R. T. C. in which the Congress participated, there was one of the most decisive General Elections in English history, by which Labour was practically swept away, and a so-called National Government was installed supported by an almost all-Conservative House of Parliament. The official Conservative party was of course led by the sedate and sweet-tongued Mr. Baldwin, but a group of die-hards and reactionaries under the forceful captaincy of Mr. Churchill formed also a clamorous and assiduous team. The leadership of Baldwin was solid but it was not undivided. And the leaven of this die-hard influence has worked through the whole loaf of British attitude in its relation to India. Towards the close of the second session of the R. T. C., even before Mahatma Gandhi and other Indian leaders left the English shores, it was believed that forces were already at work to sabotage the Conference, make a clean sweep of the whole Indian muddle of the Labour Government, and go back to the "buried" Simon Commission. It was feared that Federal responsibility might be shelved, and only Provincial autonomy such as contemplated by the Simon report would be granted. An influential section of the Indian team of the R. T. C. had to formally protest against such a plan. The result was that the whole question of responsible government in India was shelved for the time being. The second session concluded its labours, but nothing was concluded by them. There was a formal declaration of policy by the Premier which, as usual, was a masterpiece of platitude-making and vagueness. It said of course that the change of government in England did not mean a change of its Indian policy, and that the new Government endorsed the formula and method of the Labour Government. But those who could read the new disposition of forces in British politics, refused to take the professions of the new Government at their face value. The Premier, even if he meant well, was not now the prime mover. His will was no longer the collective will of his team. The solid conservatism of Sir Samuel Hoare would now prevail, and the volatile socialism of Mr. Macdonald would be of little avail.

#### X. THE CHANGE IN SPIRIT IF NOT IN FORM.

That a tightening,—and as regards Indian hopes a blighting—change had come over the spirit, if not also over the form, of the British Government's Indian policy, was a fact that was not generally avowed and admitted, but it was evident from the trend of subsequent events. The inconclusive session of the R. T. C. broke up in an atmosphere of irritating vagueness, suspense and mutual distrust. Even the Indian groups had not been able to keep house together, much less put it in order. There had been nothing left for the communal tangle but to wait for the humiliation of the Communal Award. There had been nothing left for the great constitutional question itself but to wait for the reports of Consultative and other Committees and the labours of

nobody knew how many future Round Table Conferences. When Mahatma Gandhi sailed from the shores of England, the official faces that came to see him off scowled rather than smiled on him. He came and retired as an adversary with whom it had not been possible to come to terms. The dominating conservative influence in the National Government was more than ever convinced—if indeed it had ever lacked the conviction—that to come to terms with the Congress as it was would always be impossible. Nay, it would be suicidal, even if it were possible. The Congress must be crushed if high imperial interests and responsibilities are to be saved. The whole Labour policy of bargaining with the Indian extremist and law-breaker, had been a colossal blunder, the mischief created by which would have to be forthwith undone. Needless to say that in this attitude, Whitehall was warmly supported by the common run of Indian bureaucracy and non-official European community. These latter had never liked the Gandhi-Irwin Pact and the "truce".

### XI. THE STRUGGLE REVIVED

Fortunately for these bellicose influences, the situation in India had been sufficiently tense and provocative. But the Frontier trouble, the agrarian trouble in the U. P., and the Bengal Ordinances should not have precipitated the struggle if Mahatma Gandhi could have agreed to fly the Congress Flag half-mast in London and thus prevented British statesmanship from repeating its former ways of bargaining and conferring with one who proved to be an implacable foe. With Mahatma Gandhi signing the R. T. C. document, as for instance, Sir Tej Bahadur had signed it, and promising the Congress assent to it, the struggle need not have been revived. And in all probability it would not have in spite of a thousand Frontier and other troubles. At the conclusion of the second session, and when returning from England, Mahatmaji had made it perfectly clear that the Congress would not only not bring down its high demand for immediate effective control over the army, finance and so forth, which any British government, Labour or Conservative, was not prepared to grant, but that the Congress would revive the Civil Disobedience Movement and sacrifice "a million lives" if need be, in case the negotiations ultimately broke down, as in all human probability they were bound to be. Now, this threatened recrudescence of the trouble of direct action the National Government was not prepared to tolerate. And it was not prepared to tolerate even the threat itself—"the perpetual menace" as it was called. As the Home Member in India and the Secretary of State in England have often repeated—Government was no longer disposed to parley with and give quarters to elements that avowed and stood for unconstitutional action. They have had enough of "truce" and "agreement" with these irreconcilable, subversive elements, and they are in no mood for trying those dubious and unfruitful methods again. It is doubtful if even the Labour Government would have tried them again had it continued to be in office.

### XII. THE VICEROY'S REFUSAL—NO ACCIDENT

It was no wonder therefore that the overtures of Mahatma Gandhi to the Viceroy immediately after his landing were met with a rebuff.

In our judgment they should not have been met with a rebuff. We discussed the case at length in our previous Introduction. It is true that there was the unfortunate, conditional threat of direct action contained in those overtures that evidently and sincerely meant to be pacific. But on the Government side, too, there was the threat of repression with "all possible measures," and the armoury of Government was about to be filled with new-fangled drastic weapons of both offence and defence. The fact of the matter was that there was no harm in either of the opponents trying to convert the other by further talk and other gentle modes of persuasion. The beneficent possibilities of such methods are never too soon exhausted. As it should be the endeavour of every popular organisation to make government more and more amenable and responsive to the behests of popular will without undermining the foundations of government itself, so it should be the endeavour of every government—and particularly of those that are not responsible and representative—to carry conviction and confidence to those minds where conviction and confidence do not exist as to the sincerity of its intentions and reasonableness of its policy and plans.

### XIII. THE CURVE OF THE REVIVED MOVEMENT

We need not recapitulate the history of the revival of the Civil Disobedience Movement and the drastic Ordinance rule which Government introduced with dramatic, though premeditated, quickness. In the midst of the grim reality of the struggle, the last echoes of the second R. T. C. came and told in mournful numbers that the whole business had been but an empty dream. The Secretary of State, of course, was all ardour in the defence of his Dual Policy—of crushing the Congress which represented only a small though clamorous minority, and proceeding apace with constitutional reform which would produce results cautious enough yet tangible enough to allay the fears and satisfy the hopes of India's sane and loyal and uncomplaining teeming millions. This dual policy in so far as it aimed at crushing the Congress and foisting a constitution upon India with the Congress securely locked up in prison, was a delusion that deceived British statesman by its seeming solid effectiveness. For the first half of 1932, the Movement was rather going strong. The number of convictions in the months of January and February in connection with the Movement was near 15,000 and 18,000 respectively. Then the curve gradually fell till at the end of August it was about 3,000. The total number of prisoners at the end of July in the jails was nearly 25,000, of which about 1,000 were women. The number was less than that by a few hundreds at the end of August. The official report claimed that of the prisoners nearly 7,000 were released on apology, showing that a good percentage of men and women taking part in the Movement repented the folly of their ways. Though the Movement waned during the latter half of the year, the total number of prisoners in the jail of all the provinces was still nearly 20,000 at the end of September including nearly 800 women. The number fell to a little over 18,000 at the end of October. That the number had not dwindled much in spite of the marked decrease in new arrests and convictions, was due to the fact that long-time convictions, in many cases accompanied by heavy fines which in some cases

were realised, had been the rule with courts trying the cases. There was no gainsaying the drastic character of the operation of the Ordinances which, subsequently, were enacted into an all-comprehensive Ordinance Law intended to guard the present and future Governments against any possible relapse of unconstitutional activity on the part of the Congress or any other militant organisation. Government, of course, met all accusations of excesses and undue severity in the working of the Ordinances with a gesture of incredulous stolidity. Even firing was necessary and was justified. The Home Member in the Indian Legislative Assembly made a statement showing the occasions on which firing had to be resorted to and the casualties resulting therefrom. In the first quarter alone of 1932, firing was resorted to in Bengal on as many as seventeen occasions, more than in any other province. During the same period firing in Bombay resulted in the death of thirtyfour. At Tarapur in the district of Monghyr (Behar) thirteen were killed and twentyfour wounded. The holy city of Benares was however the first to taste the first shots. That was in the first week of January just after Mahatma Gandhi had again been shut up in the Yervada Jail. These firings and their casualties indicated that the Government was in no mood for treating with indulgence any nuclei of elements of turbulence that might form to presage and foster a growing storm of anti-Government fury. Those in power do sometimes rely upon the far-reaching "moral" effects of such firings more than they rely upon their immediate local effects. And they seek to justify their reliance by the laws of crowd psychology. A few timely shots fired to kill a "storm" at its forming nucleus would spare us the fury and mischief of the storm itself. But sometimes the time as well the measure of the shots are miscalculated. The "moral" effect produced may be the reverse of what was desired. In the case of the virgin firing in the city of Benares for example, though three were reported to have been killed and as many as thirty-eight wounded, the day following witnessed a scene such as even the holy Benares had ever witnessed before—the streets and squares of the city were literally filled with moving and surging streams of human heads which, apparently, were ready either for bullet showers or lathi blows that might descend on them. There was no firing and scarcely any lathi charge on that day. First day's firing had lashed the easy placidity of the city into a wave of mountain mass before which it was safe to stoop and retire. That mountain mass was best allowed to break and exhaust itself on its rock-bound shore. After its break-up and retreat, the time for action came again. And this time not mass firing. The crowd mind works by epileptic fits and spasmodic starts. Those charged with the task of hitting and hammering it into obedience and plasticity should never forget this. And not only this, but a profounder law. Hard blows unwisely and recklessly dealt, may make people bolt, but some at least may bolt to plot, dig themselves into the ground, and lay mines there of insidious mischief and trouble.

We need not especially refer to more civil modes of operation which did not involve firing, but which encroached, under circumstances of emergency, upon the common liberties of the citizens and their ordinary rights of proprietorship. In fact, the Ordinances—which Sir Samuel had said in the House of Commons he had always hated and would



never consent to continue a day longer than was necessary—not only made the work of the actual civil resisters a very exacting one, but they maintained a most determined blockade against the Congress so that the least suggestion of any form of sympathy and support from the general mass of the public might not reach it. By this relentless blockade, Congress was denied the very means of its sustenance. For, it can live and thrive to the extent it is able to enlist the active sympathy and enthusiasm of the people. Its Independence Day celebrations, its All-India Prisoners' Days, its Flag-hoistings, its Hartals, and so forth, have thus been the very vital breath of its nostrils. Government saw this and lost no time in trying to cut off by the drastic provisions of the Ordinances this vital breath itself. National Flag-hoisting, for example, had never been by itself an illegal and forbidden act. And there were the rulings of some of the High Courts countenancing this view. Yet the flying of such flags on a Congress day was a risky job, and the people knew from instinct and from experience that it was so. A house that habitually flew the flag might not only be in the black books of the police, but be "commandeered" and taken possession of as one habitually assisting in the prosecution of the anti-government campaign. Though the flag-flying was no offence, it forthwith became so when it could be connected in any manner with the Congress campaign. The national flag became the flag of the enemy as soon as it was flown as Congress colours. There were, besides, the all-sweeping provisions of Section 144, which might prohibit almost anything under the sun and make almost everything human an offence. The same considerations applied to the case of the closing of shops on a hartal day. Notices were actually issued to some of the "ring-leader" shops in Calcutta and elsewhere, requiring them to abstain from closing their shops on a hartal day. A village or a locality that proved to be habitually pro-Congress, might be visited with more than ordinary attentions by the authorities, and proving unregenerate and refractory, might be vouchsafed the uncommon privilege and honour of military or punitive police quartered in it and collective fines saddled upon it.

Government was not slow to recognise the potent influence, for good and for evil, which the Press wields and exerts in all civilised countries. So nearly half its battle was fought against the Press. The special powers which Government assumed under the Ordinances, subsequently sponsored by the Legislative Assembly and baptised as Acts, were indeed very wide powers of control. And that control ranged over the whole gamut from censorship to dictation. Delinquency was always met with a stern hand, and several Journals and Presses consciously or unconsciously overstepping the very uncertain boundary of "safety", narrowly escaped being electrified into annihilation. The Press had verily to feel its meagre, uncharted way gropingly in dangerous zones of barbed-wire entanglements. Many were caught in the entanglements and perished. Some escaped with a rather nasty close shave. That story is, however, told in another place.

#### XIV. GOVERNMENT'S FORMULA RE : CONGRESS

Such exceptional measures, carried into execution by a machinery

so vast, so colossal and, apparently, so perfect as the Government of India, in which all limbs, from the great wheels and levers to the least screws and pins, worked so readily and loyally, soon gathered momentum enough to run down the active forces of the Congress offensive offering resistance and creating trouble. The Secretary of State in the earlier days of the fight, when the issue seemed to hang in the balance, would sometimes allow a sigh escape him regretting the vacant chair or chairs in the Conference and in the Committees; would almost show himself eager to make peace with an organisation that had forced the fight on him. Of course, he would fight to a finish civil disobedience. But it was not demonstrably clear in the earlier months at least that this was the same thing as humbling or crushing Congress. It rather looked like an willingness to make peace with the Congress as soon as it could be induced to lay down its unconstitutional arms. It was, apparently, not required that, as a repentant sinner humbled to the dust, Congress would sue for pardon, and abjure for good the very idea of civil disobedience as an evil dream. Lord Irwin had met Gandhiji while civil disobedience had been actually going on; and the Agreement had accepted a state of things which could be described only as truce, in which hostilities had merely been suspended. But to the die-hard Tory mind that arrangement had meant nothing less than a betrayal by the socialist government then in power. The National Government could never consent to repeat that mistake. It was rather bent upon regaining the lost ground. So though the first utterances of Sir Samuel Hoare had seemed to be conceived somewhat in the spirit of the late Labour Government and set in a somewhat mellow accommodating key, they gradually hardened and settled down to the familiar bass of a high imperialist key. And this hardening seemed to be the more pronounced as his mailed fist appeared to tighten its grip on the Congress neck the more smotheringly. As early as in the month of April, this settled conqueror's tone of the Secretary of State was discernible with unmistakable clearness. In the House of Commons he explained the Government's attitude as regards the Congress. That exposition has served as the text of the Government's formula ever since. Its reply to all peace proposals, inside or outside the Parliament or the Legislative Assembly, has continued to be based on that formula—which said that there was no question of cooperation with any one connected with Civil Disobedience. "If Mr. Gandhi showed a disposition to restore the relations that existed at the time of the Round Table Conference, he would find not the slightest difficulty in communicating that fact. But one thing was clear that there won't be any question of making a bargain with the Congress as a condition of cooperation." The Viceroy's speech in the Legislative Assembly on September 5, emphasised in like manner this view, viz., that there could be no compromise in the matter of civil disobedience, and that there would be no change of Government's policy so long as the circumstances, which had made the adoption of that policy necessary, existed. "It is a policy that has met with a remarkable degree of success." The Movement was practically dead in U. P., in N. W. F., and elsewhere. "Over a greater part of India the mass of population is no longer concerned with civil disobedience." "I do not suggest for the moment," conti-

nued the Viceroy, "that the civil disobedience movement is finished or that it does not still remain a very definite menace against which we can afford to relax our precaution. To use it is abundantly clear that the movement cannot succeed so long Government maintains its existing policy." The existing policy of course meant rule by the Consolidated Ordinance which, as the Viceroy promised, would soon be incorporated in the general law of the land. The general law of the land would thus be strengthened by the inclusion of many of the provisions of the "late" ordinance. That was to be the "Ordinance Law." Some of the provincial Legislatures had a share in the forging of this permanent statute steam-roller. The Congress method was really the method of force—coercion. This is how Government appreciated it. And Government must offer it a most resolute opposition.

### XV. VICEROY'S SPEECH—ON TERRORISM

The same speech referred to the terrorist outrages in Bengal. That menace was growing unlike civil disobedience. Yet the Bengal Government had not lacked necessary powers and not been miserly in putting them to use. It demanded of course still ampler powers, and those would assuredly be granted them. But the question remained and still remains—Would such powers, vigorously put to use, bring the situation under real control? They might or might not. But even if they did the deeper problem would still remain—Was the evil eradicated or was it likely to be eradicated by such means? The Viceroy in that speech urged—and rightly—all law-abiding citizens "not to let any feeling of sentimental sympathy with mistaken ideas of patriotism blind them to the terrible dangers this movement holds for them and for the future of the country." But it would appear that neither those drastic measures nor these earnest appeals would go so far as to touch the root of the evil. Some of the measures adopted, for example, internment on mere suspicion, and in some cases, immediately after acquittal by the highest tribunal in the land, collective fines and mass punitive measures, seemed rather to have nourished and strengthened the roots of the growing menace. The Press and the Platform sounded the note of warning and appealed and argued, again and again. They showed how discontent was spread and deepened by them—how without lightening the burden of Government's anxiety, they made more difficult the task of those who would seek to reclaim and redeem the benighted, misguided flock. Government always showed a disposition to mark with a common brand the civil resister, with his cult of non-violence and suffering, preferring, generally, open and clean methods, and the terrorist, with the bomb and pistol, moving stealthily and surreptitiously, and in the dark. It often forgot that Mahatma Gandhi was the best policeman in India. It preferred to stress its view that civil disobedience stirred up a general spirit of lawlessness, and that at the back of all its lofty idealism of non-violence and truth, there was worship of Force. The violent movement was only a peculiarly sinister form of the general movement which had coercion and not persuasion for its method. Yet those who did not justify the general movement, still persisted in thinking that, perhaps, Mahatma Gandhi was the best policeman in India, and that the terrorist trouble on Government's hands would probably have been a far greater trouble had not Gandhiji exerted the influence he had

done, and diverted a part of the Indian unrest into other channels. Those other channels one may not like; yet some people have thought that but for the division and diversion created by them, there would have been not one but, possibly, many a Chittagong. We do not know what grounds existed for such conjectures as to what would have been. But we are certainly inclined to think that Mahatmaji's very earnest insistence on non-violence and truth in the conduct of public as well private affairs, did the policing in India in a more real and potent way than all the Ordinances put together. To admit this is merely to admit the supremacy of the moral and spiritual force over every other kind of force. We need not, however, tarry longer over this.

As was evident from that speech of the Viceroy and also from other official enunciations of policy before and after, Government was determined upon two things—(1) to fight with all necessary measures, ordinary or extraordinary, civil disobedience till it was dead with chance of resurrection; and, (2) not to bargain again with the Congress with a view to securing its co-operation. This determination had already germinated, when towards the close of the second R. T. C., *de facto* Tory Government had come into power masquerading as National Government. But the full-fledged Tory policy had not yet completely cast off the dead socialist chrysalis. It was veiled when the new Government said that there would be no change of policy or method in relation to India.

#### XVI. 'MASTERS IN THEIR OWN HOUSE'

But the late policy had been to bargain on terms honourable to both parties with the Congress actually engaged in fight for securing its co-operation. It was the same policy as had treated for peace with a rebellious Ireland. In India that policy had produced the two Agreements with Mahatma Gandhi, of which no government had any just cause to be ashamed. The new dispensation in British politics regretted at heart the policy that had produced the Agreements as it regretted the Irish precedent. It was determined not to see that history repeating itself. And it was confirmed in its determination by two facts—by the impossibility of the Congress demand as advocated by Gandhiji in the R. T. C.; and by the Congress threat of a revival of civil disobedience in case that demand was not conceded. Coupled with these two were the actual troubles in the Frontier and United Provinces and in Bengal accompanied by perpetual talks of truce and renewal of "war", and endless vexatious negotiations upon agrarian and other disputes in which the authorities could not but feel that they had ceased to be "masters in their own houses." Of course, the policy of the Agreement had meant, if it meant anything at all, that their houses were henceforth to be regarded as public houses to be shared in common with the accredited representatives of the people. But it was not easy for those who had been in sole possession to make accommodation for others. Besides, were those others who had been openly defying them the accredited representatives of the people? Were the teeming millions with these disturbers of the peace and challengers of their right of occupancy? That was yet to be seen.

## XVII. R. T. C. METHOD AND THE NEW DISPENSATION

But the new dispensation wanted to dispense not only with any bargaining with this challenging menace, but it did not like—particularly after the fruitless effort to secure Congress co-operation,—and would rather dispense with the Round Table Conference method itself which, if meant as serious, was a method of bargaining. With this method remaining, high imperialism could not feel its power undivided and its domain entire. The fate of India could be decided by the decree of the imperial Parliament alone. There could be dividing and sharing in the authority of Parliament. The Simon Commission had been all right. But what was the Round Table Conference? Suppose it reached some agreed conclusions—agreements to which some cabinet ministers and some other Parliamentary party leaders subscribed their names, together with some Indian leaders. Of what value would such agreements be? The British statesmen, and cabinet ministers amongst them, might or might not undertake to make those agreements the basis of their proposals to Parliament. In the former case, Parliament was, in fact, called upon merely to ratify a treaty made behind its back by its own leaders. The Parliament being run on party lines, and the government in power for the time being commanding the largest following in the House, the ratification or assent of Parliament would be given as a matter of course, provided Government committed itself to the agreements reached in the Conference room. If, however, Government simply promised to give the agreements their best consideration, without adopting them as *their own* plans, then, the R.T.C. was but a glorified witness-box, and it was best to tell all concerned that it was so. Now, Labour Government had said that their proposals to Parliament would be based upon the agreements reached in the R. T. C.—a statement which had not proved satisfactory to Congress in view of the character of the conference that was to be assembled. As we have seen, Congress had wanted to make its own Resolution the basis of its negotiations with the British politicians. However, as the result of the two viceregal Agreements, it consented to co-operate in the work of the R. T. C, such as it was, on the understanding that the safeguards etc. in the transition period were all to be demonstrably in the interest of India. Labour Government had thus maintained its policy of bargain. And it had hoped that by persisting in it, it would leave no motive and no scope for future civil disobedience. But the new forces behind the National Government did not like, and did not believe in, bargaining. It meant to them divesting Parliamentary authority and violating imperial trust. And if they eschew bargaining, they must find other ways of dealing with civil disobedience. This must be killed so that it might never rear up its head again. The first assertion of the new Government was, therefore, that that could be no bargaining with civil disobedience. That was the first cleavage and departure of policy. But how to get round the Round Table itself which had been, and still was, the visible embodiment of the late policy of bargain? How to keep the form and “shadow” of the Conference and at the same time go back to the spirit and substance of the Simon Commission? Without going back to that or its method, orthodox Tory influences could hardly feel that

they had recovered their true position. Of course, certain engagements had been entered into and certain appearances had to be kept up. That was the socialist government's legacy. How to write it off and yet make a show of policy continued and engagements kept? That was not easily done. Sir Samuel Hoare prides himself upon hating beating about the bush. Still he must wriggle himself out of a position to which the late Labour manoeuvre or mismanoeuvre had driven him. And, presumably, the great apparent success of the repressive half of his dual Indian policy was a great opportunity, encouragement and assistance to him.

#### XVIII. SECRETARY OF STATE'S ANNOUNCEMENT

Towards the end of June he made a statement. Even the robust optimism of the Liberals staggered under the blow when, quite contrary to their expectations, Sir Samuel Hoare suddenly announced in the House of Commons a change in the procedure of the business of Constitution-making for India. That announcement fell and burst as a bombshell to disturb even the Elysian equanimity, the stoic sanity and sobriety of Indian Moderatism.

#### XIX. ANNOUNCEMENT AND CONGRESS

Mr. C. Rajagopalachariar, the then acting President of the Congress, voiced the opinion of the extremist nationalist, when he said: "While it certainly breaks pledges, in another sense it is welcome. It puts an end to hopes built on equivocal statements. It was promised that Britain would set India free from foreign control, and that a constitution would be drafted for India in accordance with agreed conclusions, no reservations or safeguards being thought of except such as were wanted in the interests of India herself. The Secretary of State has now declared that not what we desire, but what a British Parliamentary Committee shall deliberate and lay down, shall be the constitution. More than one clear voice representing British policy has with unabated frankness spoken out that the form of the constitution shall be such as, while seeming in India like self-Government, must in Westminster show adequate provisions to guarantee continuance of British control and British exploitation."

#### XX. LIBERAL ATTITUDE

All the important Liberal Associations protested and even persons like Sir Tej Bahadur Sapru, Mr. M. R. Jayakar and Mr. N. M. Joshi resigned from the Consultative Committee. The British politicians had not expected that the change outlined would meet with so much protest and opposition and that the Liberals, who should work the future constitution, would be so much upset as to withdraw their co-operation. But when this actually happened, efforts were made to explain the attitude of the Secretary of State, and to show that the change of procedure was all for good. It was for speeding up the affair. Sir Samuel Hoare took some pains, in a speech delivered at a dinner of the Central Asian Society, on July 7, "to clear up finally the misunderstandings that seem to have arisen." But this explanation left the Liberals unconvinced. Under the Presidentship of Mr. C. Y. Chintamani, the Council of All-

India National Liberal Federation met on July 10, and the following resolution was passed :—

"Having given careful consideration to the Secretary of State's announcement of the 27th. June as well as the subsequent explanation thereof, the Council of National Liberal Federation is convinced that the procedure is a grave departure from the policy of British and Indian co-operation on an equal footing in working out the future constitution of India, on which plan and policy alone the Federation resolved to co-operate whole-heartedly with the work of the Conference.....The Council, therefore, resolves to withhold co-operation in all further stages of constitutional enquiry, and makes it a condition of renewed co-operation that the Round Table Conference method is fully restored."

Any Government, Labour or Conservative or National, could scarcely think of dispensing with the co-operation of the Liberals who were, in the main, working the present constitution, and who, in all probability, would be willing to work the future such as it might be. A show of constitution, even where the reality is lacking, is kept up mainly by their co-operation. And even a show sometimes has a use and a value. It was no wonder, therefore, that this threat of non-co-operation on the part of the Liberals perturbed even the die-hard section of British politicians. "The News Chronicle" in England and the "Times of India" here, made no secret of their anxiety, and asked the Government to rectify the mistake, and invite the co-operation of the Liberal leaders.

#### XXI. SIR SAMUEL HOARE EXPLAINS

So on July 13, Sir Samuel Hoare made another attempt to clear his position, and to show that the reason for the change was to "speed up" the procedure. Unfortunately, this exertion on the part of the Secretary of State left the Liberals still cold, and on August 9, the Servants of India Society, in a Manifesto issued by them, stated :—"We consider the new procedure announced by the Secretary of State for India on June 27, so grave a departure from the Round Table Conference method as to be unacceptable. It does away with the ideas of equality during discussions between the British and Indian delegates, and of the agreement between them on the basis of the proposals to be laid before Parliament.....In the circumstances, we are clearly of opinion that the best interests of the country require that those of our country men who may be invited to assist in further stages of constitution-making, should withhold co-operation unless and until the former method is restored."

After this there was a complete deadlock in the relations between Government and the Liberals. How this situation was viewed by the European Association, may be gathered from a telegram of its Madras Branch, which urged the Home Government to modify its attitude so that the continuance of the co-operation of the constitutionalists might be possible. The Welfare of India League and many British friends of India also intervened and tried to end this deadlock. On September 5, in opening the Autumn Session of the Assembly, His Excellency the Viceroy gave an outline of the modified policy of the Government regarding the Round Table Conference. He announced :—

"His Majesty's Government propose therefore to invite a small body of representatives of the States and British India to meet them in London about the middle of November."

## XXII. MODIFIED POLICY AND CO-OPERATION SECURED

This announcement about the holding of the third Round Table Conference was hailed with satisfaction by the Liberals and their co-operation was once more safe and secure.

## XXIII. THE THIRD R. T. C.

On the 22 October the personnel of the Third Round Table Conference, which had so narrowly escaped being sabotaged, was announced, and the Conference itself assembled about the middle of November. The proceedings evoked but little genuine enthusiasm in India. At the conclusion of the labours of the third R. T. C., a statement was issued on behalf of the British Government delegation, critically reviewing the field of discussion covered. A review of that official review is here hardly called for. We would advise a perusal of the document elsewhere published. The statement dealt with the reserved powers and special responsibilities of the Governor-General and Governors. Law and Order was to be transferred in the Provinces, but the Governors were to be endowed with special responsibilities for peace and tranquillity in their provinces; and the discharge of those responsibilities might require, in case of emergency necessitating prompt and decisive action, the power to promulgate Ordinances. With the transference of Law and Order, it was best that that power should be vested in the Governors. As regards the suggestion that Governors in the exercise of their special powers should be guided by the advice of a special committee representing the different communities, the plan was unworkable in view of the fact that an emergency might require a prompt decision and an undivided, unanimous decision, which was not to be expected from a mixed committee of the kind suggested. It was expected that Governors would exercise their special powers with commonsense, and their Instruments of Instructions might also be so made that in the exercise of their special and reserved powers they would normally seek, and wherever possible, act on the advice of responsible persons. As regards the Reserved Subjects—Army, Foreign Relations, and in certain aspects, also Finance—there was no disputing in the Conference, though of course, there were many suggestions as to the organisation of the Army (which the British Delegation accepted formally as their policy), Federal Finance and Reserve Bank, and so forth. Treatment of minorities also belonged to the field of special responsibilities. It could not be left entirely to a code of declaration of fundamental rights and the future Federal Court. The services too would be included in the same field. And in this matter "more than a Public Services Commission was required." The relations of the Federal Government to the States were also to be relegated to the same field, as also what were called Imperial Relations, that is, relations with other parts of the Empire—the Dominions and Colonies, for example.

This last, however, was a matter that the British delegation promised further to look into. As regards the all important question of Defence, the essentially modest suggestions of Mr. Jayakar and Sir Tej Bahadur



Sapru were not endorsed by the Conference,—suggestions made separately and also in a Joint Statement which asked for—"Indianisation of the Army in the shortest possible time and the appointment of an Army Member from the Legislature.....as also a Statutory Committee further to explore the reduction in military expenditure." The Conference at its conclusion merely expressed a pious wish that "the defence of India would increasingly be a concern of the people of India," but it refused to put any restrictions whatever to the powers and responsibilities of the Governor-General in whom, as the representative of the Crown, all executive authority was centred. Practically everything was left to be evolved by usage. It was wiser to leave it so that to have the new constitutional experiment saddled with a cut-and-dried scheme.—So said the Official Report. "It is also proposed to make it clear that where responsibility rests with the Governor-General, decisions in such matters shall be entirely by the Governor-General himself." And that responsibility covered practically the whole field of administration by its ramifications as special responsibilities, which were specified under seven heads, and discretionary powers, which under ten heads, included power to initiate and prohibit legislative Acts, to make Acts known as Governor-General's Acts, over the heads of the legislative chambers. And, of course, they included power to issue Ordinances. As regards finance, 80 p. c. of the revenue was to be untouched by the Indian hand as Sir Nripendranath Sarkar on a later occasion pointed out to a meeting of Conservatives in London. This related to the Reserved Subjects, protected Services etc. The Legislative Assembly could not vote upon it: and the Cabinet, administering the Transferred Subjects, or any mixed Committee of Ministers and experts as suggested by some R. T. C. members, would not have a say in the matter. The Governor-General may have a financial adviser of his own, and it was perhaps vainly hoped by Sapru and Jayakar that his "appointment should be made by the Governor-General in consultation with his ministers.....and that his advice should be fully available to the Governor-General and the Federal Government." In the sphere of the transferred subjects, the special responsibilities of the Governor-General would brook no encroachment upon them either. "The Conference decided to provide that the Governor-General shall be guided by Ministers in the transferred spheres, except when so to be guided will be inconsistent with his special responsibility in which case the Governor-General shall act according to his discretion, securing due fulfilment of his special responsibility, notwithstanding the Ministers' advice." This policy would repose its trust in the Governor-General's responsibility, but it could not in that of responsible Ministers and the elected Legislatures.

There were various other matters discussed and various other suggestions made—some of which crystallised into "conclusions"—in the third session. The suggestions made by the progressive elements—Sapru and Jayakar amongst them—did not as a rule find a place in those that crystallised, particularly if they were of a progressively dynamic nature. Only static factors could be trusted as not seriously disturbing the *status quo*. We need not, however, linger on the subject, as interest, if any of any degree of warmth, attached not so much to

these 'conclusions' as to the promised proposals of the Government in the form of a future White Paper.

#### XXIV. COMMUNAL AWARD

The constitutional issue paled into comparative insignificance for the time being before the more vital questions of Indian communal settlement and inter-imperial economic adjustment in the shape of the Ottawa Agreement. Not that the constitutional issue can be less vital than any other; but conditions have here been created and manipulated so as to make the evolving and revolving satellites appear more vital than the central sun. Dr. Moonje and others have rightly regretted the topsy-turvydom in Indian politics by which things that ought, as a matter of course, to follow, have been given precedence and allowed to obstruct and dominate. The Communal Problem has thus had its importance unduly stressed so that Hindus and Mahomedans and Sikhs have all vied with one another in resisting with all their might Swaraj itself, unless they all have their respective communal rights secured to them as condition precedent. A failure of communal settlement was therefore looked upon as an insurmountable obstacle to responsible Government. And the conditions were such as to make the failure a certainty and, consequently, the supposed obstacle a standing, permanent barrier to the fulfilment of Indian aspirations. The British Premier intervened—most reluctantly of course, as the Note to the Communal Award said—to remove this barrier. That Explanatory Note observed:—"Government are to-day publishing a scheme of representation in the Provincial Assemblies that they intend to lay in due course before Parliament unless in the meanwhile the communities themselves agree upon a better plan." The Note also added—and this left the door open for Gandhiji's representations to the Premier, his fast for bringing about a modification of the Award in so far as it affected the electorate and relative representation of the caste Hindus and the so-called Depressed Classes, the leaders' Agreement, the Poona Pact, and Home Government's assent thereto. We do not intend to discuss the text of that Award with its twentyfour items—the last one giving allocation of seats in the provincial legislatures. In Bengal, for instance, out of a total of 250, 80 were to be "General Seats"; 119 were to go to Mahomedans; Depressed Classes blank; Anglo-Indians, Europeans and Commerce etc. were to get 4+11+19. In the Punjab, General, 43; Sikhs, 32; Mahomedans, 86; out of a total of 175. In Bengal, under Commerce etc.; there were to be 19 seats, of which 14 were to go to the Europeans and only 4 to Indians; so that the total European representation in Bengal would be 25. We do not refer to the case of other provinces. Needless to say, such an Award failed to produce satisfaction—particularly, "general" satisfaction. The name of the "caste Hindu" was anathema—it was not even mentioned. But even those who would not grudge their Mahomedan brethren good luck in some spheres—especially in Bengal and the Punjab—dreaded the wedge that was sought to be driven between the caste Hindus and depressed classes, as it threatened to rend the great Hindu community into two permanently antagonistic halves. Some thought that even the Simon Seven had been fair to the Hindus. But that question apart, what most perturbed Mahatma Gandhi and others was the proposal that "assigned seats will be filled by

election from special constituencies in which only members of the depressed classes, electorally qualified, will be entitled to vote." They will also vote in the general constituency. Gandhiji in the second session of the R. T. C. had said that he would resist special electorate for the depressed classes with his life. Now the special electorate was going to be. So he protested from Yervada; resolved to fast himself unto death; and, ultimately, brought about its modification by what was known as the Poona Pact. By this, the depressed classes were induced to give up their special electorate, though representation satisfactory to them were to be assured to them in the legislatures. Thus, for example, in Bengal they were given a large share in the General Seats though it used to be said that the Depressed Classes Problem did not exist in Bengal. The Communal Award and the Poona Pact have been the subject of a good deal of criticism from every point of view, by the Hindu Mahasabha amongst others. Sir Nripendranath Sarkar and others have brought their acumen and their courage to bear upon a frank analytical study of these documents. We do not propose to reproduce what they or their opponents have said over and over again. The historical part of the business beginning with the Lucknow Pact; the secret history of wire-pulled deputations to Viceroy; Jinnah's Fourteen Points; the wreckage of many an effort made by the leaders to evolve a satisfactory formula; influences working behind "the public humiliation" of communal leaders failing to come to an agreement in London;—all these make an interesting and instructive story, however.

## XXV. OTTAWA AGREEMENT

Nor need we discuss here the Ottawa Conference and the Agreement reached therein between His Majesty's Government and the Government of India for reviving Empire trade on the basis of a recognition of Imperial unity and advantages of mutual co-operation in trade. The underlying idea was that of Imperial preference. Sir Atul Chatterji who led the Indian delegation said:—"The Government of Greater India to which every body looks forward in the near future remains free to decide and shape for itself its future policy according to its own conception of the position in the Commonwealth". Government issued a communique in August saying that a Trade Agreement had been reached and that would be placed before the Assembly for approval. It also gave a substance of the Agreement, which is elsewhere published. It said also that the Indian delegation had throughout kept before them two main principles, viz, extension and development of the export trade of India and reservation of the protection enjoyed by certain Indian industries. Opinion on the Indo-British Trade Agreement was divided. Sir Samuel Hoare and others were enthusiastic over it. It would benefit India as her unceasing migration of gold, her exchange subordination to Great Britain, and so on, had been benefitting her. Indian Legislature, to the great satisfaction of Sir Samuel Hoare and those of his way of thinking, ratified the Agreement. But it was not generally welcome to the Indian mercantile community and those connected with business. "The balance of advantages would obviously be against India."—that was the general verdict. "Preference should begin at home." "A

## ORDINANCES IN WORKING

direct negation of India's so-called fiscal autonomy." These were some of the remarks made by them.

Now, we propose to close this Introduction with a short resume of the outstanding political events of the half year.

### XXVI. ORDINANCES IN WORKING

When India entered into the second half of the year 1932, "The political horizon of India is" in the words of Mr. C. Y. Chintamani "encircled with gloom." The Special Powers Ordinance, 1932, embodying the "obnoxious provisions of the Ordinances" was promulgated on June 30, and the chances of any rapprochement between the Congress and the Government were as remote as ever. The idea of the Government was that Civil Disobedience Movement was confined to a very small and limited section of Indians, and that the continued unrelenting pressure in the form of the Consolidated Ordinance would be sufficient to suppress it and, ultimately, crush it for good. But the trend of the events showed that they were mistaken. The Congress was but a open crater of live volcano through which the deep dumb discontent of the people manifested itself in part. So, when the Ordinance arrested and gagged the vocal section of the discontented people, the fire did not die out, but rather burnt further and deeper down, and often, broke out in sporadic flashes here and there. This will be evident from a glance at the march of events. During the period popular dissatisfaction expressed itself in three different forms. These were the Civil Disobedience Movement, terrorist outrages committed by desperate youngmen, and the mild exhibition of resentment in the form of protests on the part of the Liberals and Moderates. The Government also adopted three-fold measures to meet them. But as none of these methods of popular action and Government reaction thereto was calculated to achieve any immediate betterment of the actual condition of the people, there was no apparent diminution of the general mass of distress and discontent in the land.

The Government measure to combat Civil Disobedience was the promulgation of the Special Powers Ordinance in June 1932. This was immediately followed up by the Special Notifications of the Provincial Governments disclosing the chapters of the Ordinance that would be applied in the particular Provinces. But, "notwithstanding the initial restriction of the areas where some of its provisions would be in force" the Committee of the U. P. Liberal Association observed, it "could not hope that an improvement in the political situation would follow from the operation of such executive laws."

This note of warning was sounded not only by all the Liberal Associations of the country, but by all Indian Chambers of Commerce. The Indian Merchants Chamber of Commerce in a long statement issued to the Press said:—"That they were definitely of opinion that these Ordinances had most disastrous effect on the trade and industries, and that business could not be conducted while confidence was lacking, and confidence would not be restored while the Ordinance rule was in force." The Congress leaders were more unsparing in their criticism, and they thought they detected in the renewal of the Ordinance powers, "an unintentional compliment to the Congress which was at first believed to be a mere worm that would be crushed out of existence, but whose

strength has made Sir Samuel Hoare declare that six months' most drastic repression has left the emergency to be sufficiently grave to require further suspension of ordinary law." "The self-laudation and claiming success for the policy of repression," said Mr. Asaf Ali "are rather pathetically negatived by the revealing admissions of the gravity of the situation."

But, in a sense, the policy of repression was successful. It exposed the weakness of the Movement. It showed to some extent the futility of the claim of the Congress that the Movement had penetrated into, and permeated, the lowest stratum of the people; that the march of the civil resisters to their prisons would never slacken and never end until Swaraj was attained. It showed that the number of Mahatma Gandhi's followers, though very great, was not great enough to fulfil his dreams or even expectations and that years of preparation were necessary before the very difficult cult of truth and non-violence could be assimilated by the masses of people. The repression, therefore, served the useful purpose of showing both the strength and weakness of the Movement. Both the Government and the Congress now knew where they stood. But both might still have delusions. From its apparent success, the Government might conclude that the Movement was crushed, and the menace of direct action was removed. But the march of events showed that the spirit of discontent was not dying but sinking and striking deeper; and even its surface manifestations, violent or non-violent, showed an uncommon tenacity of life.

Looking at the events of the six months we find that in this period there was evidence of a greater recrudescence of terrorist activities than of civil disobedience. This might have been, possibly, due to the fact that so long the Congress was going strong, the section of the unbridled, impatient youth of the country, from which the terrorist were mainly recruited, thought that it could await the result. But when the power of Congress waned, and success of its cause was, apparently, as remote as ever, their impatience, their unbridled zeal got the better of them, and led them to mad acts, bringing untold suffering not only upon themselves, but also upon large sections of their countrymen who were not with them. Violence thus recoiled on the guilty and on the innocent.

## XXVII. ACTIVITY OF CONGRESS

With the leaders (of the Congress) in jail and their followers under restraint, there was little evidence, as we said, of the activity of Congress during the period under review. One of the most important events of the time was, however, what happened on the day after the promulgation of the Special Powers Ordinance on the 30th. June. On the 18th. of July a political Conference was held at Nadiad, and as many as a thousand persons were arrested there. Then on the 19th. July a message from Cuttack reported a dramatic episode—"Eight Congressmen invaded the court room of the District Magistrate of Cuttack, and ordered him to leave the room, which, they declared, belonged to them. They were surrounded and marched to the nearest Police station, and detained in custody." The Congress, apparently, had many a dramatic episode up its sleeves.

During the month of August, there was the arrest of Dr. Kitchlew,

the acting President of the Congress who defied the Police order requiring him not to enter the Lahore Division. In September, there is little overt sign of any Anti-Government activity on the part of the Congress. But this month is made memorable by the historic fast of Mahatma Gandhi, which, in six days, brought about the revision of the Communal Award so far as it affected the Depressed Classes. In October, though there was no "offensive" on the part of the Congress, Government acted upon special provisions of the Ordinances, and applied them to various parts of the country. It should be noted in this connection that in the last quarter of the year also the Press Ordinance was specially active, and many journals and presses were adversely affected. On the 20th. October, for instance, under section 10 (1) Emergency Press Act, the Bombay Government served orders on the Manager of the Free Press Journal. Its security of Rs. 10,000 was forfeited, and he was directed by the Chief Presidency Magistrate of Bombay to deposit a sum of Rs. 20,000 as fresh security. Many such orders of deposit and forfeiture emanated from the authorities—measures directed to teach the unmindful, unheeding Press how "to behave". Vernacular and English—both the Press had the lesson vigorously rubbed in. There were many notable trials—involving remarkable rulings and judgments during this half of the year. That of Mrs. Consina, "The Amrita Bazar Patrika," Contempt of Court Cases and some others naturally evoked some measure of interest.

Midnapore and some other small areas still persisted in carrying on a sort of no-tax campaign, and the suffering brought in its train was great. On the 20th. October came the disquieting report that nearly five thousand villagers had left their homes to avoid the payment of punitive tax. On the same day a message from Cuttack stated that, of the seven volunteers arrested at Kandrapara for picketing a foreign cloth shop, four were ordered to be given 10 stripes each and the rest 5.

## XXVII. ACTIVITIES OF TERRORISTS

During the six months under review, as mentioned before, violent rather than non-violent actions were prominent and darkened the political aspect of India. The measures they called forth were very severe. Though the terrorist outrages were mainly confined to Bengal, peoples in other parts of India occasionally became violent, and there were several instances of a clash with the Police. Thus on the 9th. July a communique was issued by the U. P. Government giving the details of the attack on a Revenue Officer in Rai Bareilly. On the 18th. another Government communique was issued stating how a party of police, who went to realise arrears of chowkidari tax, was attacked by 200 villagers in Midnapore, and how subsequently, the police had to open fire. From Cawnpore a report was received on the 13th August to the effect that a police party had been fired at five times. An incident of this nature occurred at Malda also, where 3 Southals were killed and four wounded, and one police constable killed in a clash between the police and the Southals.

**XXIX. MEASURES TO COMBAT TERRORISTS**

The terrorist movement in Bengal, which owed its origin to the partition of Bengal, had an unsteady career. Terrorism lived and functioned with ascending and descending courses of activity. The number of outrages committed by the terrorists up to the year 1929 were comparatively few and far between. But in 1930 as many as 30 outrages were committed. Nineteen persons were killed in these outrages. The activities of the terrorists increased in 1931, and 67 outrages were committed by them including murder of nine people, mostly officials. The Government promptly adopted measures to suppress the menace of terrorism, but as they failed to yield quite satisfactory results, they were supplemented by a fresh Ordinance, called the Bengal Emergency Powers (second amendment) Ordinance, 1932. It was issued by the Governor-General on July 20, 1932, and it gave the Government of Bengal new powers to combat and control the terrorist menace. And those new powers were exceptionally wide and extraordinarily elastic. Some of the powers taken related to the taking of persons into custody "in circumstances in which the provisions of the Code of Criminal Procedure 1898 cannot be followed without undue inconvenience." On September, the Bengal Legislative Council passed the Bengal Criminal Law Second Amendment Bill, 1932. It empowered the Government to exclude the public from the trials of the terrorists, and it made an attempt at murder punishable with death or transportation for life in the case of terrorist outrages. Then, again, a very comprehensive Bill, called the Bengal Suppression of Terrorist Outrages Bill, 1932, was passed in the Bengal Legislative Council on September 6, adding to the already overfilled armoury of the Government, new weapons to deal with the terrorist movement. This gave an officer of Government, authorised by the Local Government, power to arrest a person on mere suspicion; gave the Local Government power to take possession of private buildings for its own use; regulate traffic; and "8(1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in order, a return of any vehicles or means of transportation owned by him or in his possession or under his control." Moreover, it gave the Government among other things the power to impose collective fines on any area suspected to be helping the terrorist in some form or other.

**XXX. POSTING OF MILITARY, ETC.**

The other steps taken by the Government were :—(1) the posting of the military in Dacca, Chittagang, Comilla, Mymensing, Saidpore, Midnapore and Bankura; (2) The securing of all unlicensed arms; (3) Transferring a number of convicted terrorists to the Andamans, and (4) imposing a punitive fine on the people of Chittagong, specially the Hindus.

**XXXI. MURDER OF OFFICIALS & EUROPEANS**

No one would say that the steps taken were inadequate. But even these did not, even apparently, produce the desired effect. Terrorist

outrages continued, and on July 30, a report came that, on the day before, Mr. E. B. Ellison, Additional Superintendent of Police at Tipperah had been shot at at Comilla. Then, after an interval of six days, Sir Alfred Watson, the Editor of "The Statesman" was shot at by a Bengali youngman. Again, after only a fortnight's respite, Mr. C. G. Grassby, Additional Superintendent of Police, Dacca was fired at and wounded by two Bengalees. On the 24th of the next month, the night raid on the Pahartali Institute, Chittagang, took place resulting in serious casualties. Death took its toll from both sides. After this, after an interval of four days, the second attempt on the life of Sir Alfred Watson was made in Calcutta. The month of October was free from terrorist outrages, and the last outrage of the year 1932 was committed on the 18th November, when Mr. C. A. W. Luke, Superintendent of the Rajshahi Central Jail, was shot at and seriously wounded. There were also several important terrorist trials and convictions during this period. On the 14th. November, death sentence was passed on 14 persons and transportation for life for 6 persons in connection with the Burma rebellion. On the 24th October, judgment was delivered in the Dhalghat (Chittagang) case, and five persons were sentenced to 4 years R. L. On the 8th November Kalipada Mukherjee was sentenced to death for murdering Mr. K. P. Sen, the Special Magistrate of Munshiganj, Dacca in June last.

We need not continue the story. Year after year, month after month, the story has been telling its woeful tale with an almost tiring recital of its exciting and sometimes shocking incidents. The sea is still heaving in fits of intermittent restlessness, and the bark is still at the mercy of wind and waves ; but how far off is her promised haven of repose and fulfilment ? Will the Fates decree a peaceful and straight sailing in the near future ? No body knows. But there is Hope everlasting in the breast of the Ancient Mariner.

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The following is an interesting review of the history of terrorism as contained in the Report of the Police Administration of Bengal, 1931 and which the Governor-in-Council "strongly recommends for perusal by the public" :—

From 1907 to the end of 1914 there were 125 outrages in Bengal and Eastern Bengal and Assam. This figure includes outrages committed in Bengal and Eastern Bengal and Assam before the repartition and in Bengal after the repartition. The average monthly number of outrages during this period was 1.3. (The word "outrage" is used to mean only murder, dacoity, robbery, or: an attempt to commit one of these crimes.)

In 1915 up to May 3rd, 15 outrages were committed, or 50 per cent more than the yearly average for the previous eight years, clearly showing that the terrorist organisations had been unaffected by the steps taken against them up to that time under the existing law. In May 1915, Section 12 (a) of the rules framed under Section 2 of the Defence of India Act was brought into use against terrorists.

At this time their strength was practically unimpaired by the few convictions that had been obtained under the ordinary law. The police had the whole force of the terrorist organisation, provincial leaders, district leaders, group leaders and ordinary members to combat. The rule was applied to 263 persons only up to June 1916 and terrorist crime continued to increase. During this period of 14 months 38 outrages occurred in course of which 20 persons were murdered by terrorists and the monthly averages was 2.7.

These outrages culminated in the murder of Babu Basanta Kumar Chatterjee, Deputy Superintendent of the Intelligence Branch, in June 1916. Thereafter, terrorists of all degrees of importance, from leaders who dictated the policy down to minor members, were interned and from June 1916 to November 1919 when internments stopped, 1,029 persons were interned. The result of this vigorous campaign was that by the end of June 1918, up to which time for the previous 12 years there had been on an average 17 outrages annually, terrorist outrages almost ceased. There were only 2 more up to the end of 1919 and none in 1920. During this period 12 persons were murdered and the incidence of outrages was—

1916 after June 7; 1917 after June 12; 1918 up to June 10; 1918 after June 1; 1919 September 1. The monthly average dropped to 0.6.

The release under the Amnesty of the 1,262 persons interned under the Defence of India Act began in December 1919 and finished by February 1920. Though the terrorist parties had received a paralysing blow by the internments under the Defence of India Act and the 120 arrests under Regulation III of 1818, nevertheless they immediately began to reorganise their parties, and exploited to the utmost the non-co-operation movement for the purpose of recruitment. The year 1921 was free from terrorist outrages but in 1922 one outrage, a murder, occurred.

In 1923 a fresh series of terrorist outrages began. The Defence of India Act had expired six months after the end of the Great War and although, as a result of the Sedition Committee's report, the Rowlatt Bill, after slight modifications, became law as the Revolutionary and Anarchical Crimes Act, 1919, this Act was never brought into force, and was repealed with the other so-called repressive laws in 1921. In 1923, therefore, the terrorists could be dealt with only by the ordinary law and Regulation III of 1818. By September 1923 the imminence of further outrages, including the assassination of certain high officials, had become so menacing that 11 persons, believed to be the leaders of the conspiracy, were made State prisoners under Regulation III. An attempt to prosecute under the ordinary law in the Allipore Conspiracy Case some other persons, suspected to have been concerned in the armed dacoities which had occurred in Calcutta, failed.

In January 1924, Mr. Day was murdered by a terrorist in mistake for Sir Charles Tegart. This outrage was followed by the arrest of six more persons under Regulation III of 1818. Nevertheless further outrages were planned and committed and the situation became so serious that special legislation in the form of an Ordinance was promulgated in October 1924, and 76 suspects were arrested and interned.

The powers conferred by this Ordinance were limited in scope, for it provided for the arrest and internment of only those terrorists who had committed, were committing, or were about to commit, certain specified acts or offences. It did not empower the Government to intern any person who was reasonably believed to be a member of a terrorist party.

The sudden action under the Ordinance was a blow to the terrorists who had not recovered from that dealt to them by the arrests under the Defence of India Act. Many of the leaders decided in 1925 to give up committing outrages for a period in order to reorganise and strengthen their parties. One party decided to wait for five years, the period, for which the Bengal Criminal Law Amendment Act of 1925 which had replaced the Ordinance, would remain in force.

The members of other groups, however, disapproved of this waiting policy and formed an organisation for the immediate resumption of terrorism, and it was against this organisation that the Bengal Criminal Law Amendment Act of 1925 was almost exclusively applied. The timely raids at Dakshineswar and Sovabazar Street in 1925 resulted in the conviction of most of the important leaders and exposed their plans and the party handicapped by this reserve was unable to develop. The opposition of many terrorist leaders to the policy of this party was also a hindrance both to recruitment and to the replacement of arrested leaders. The discomfiture of the party was completed by the continued arrests under the Bengal Criminal Law Amendment Act and the searches and arrests in 1927 which culminated in the institution of the Deoghar Conspiracy Case.

Between October 1924 and the end of 1928 one person only was murdered by the terrorists. The total number of persons interned under the 1924 Ordinance and the 1925 Bengal Criminal Law Amendment Act was 187, the last being arrested in March, 1927. All these persons and those made State prisoners under Regulation III of 1818 were released by the end of January 1929, the majority being released in 1928.

In 1929 terrorist outrages increased, four being committed, of which the murder of a police officer in Barisal and a dacoity in the Rajshahi district were the most important. The dacoity was the first overt act of an amalgamation of terrorist groups formed under similar circumstances to the amalgamated party of 1925. At the end of the year searches were made in Calcutta and elsewhere which exposed its objects and resulted in the institution of the Mechuanbazar Street Bomb Conspiracy Case and the temporary disablement of the party. In April 1930, just after the expiry of the Bengal Criminal Law Amendment Act of 1925, the Chittagong party brought off the Chittagong armoury raids which gave great impetus to the terrorist movement throughout the province. The outrages committed in 1930 amounted to 36 only, one of which occurred before April. In these outrages 19 persons were murdered by the terrorists.

At the time of the Chittagong armoury raids the Government possessed no special powers to deal with the terrorist menace except Regulation III. The Bengal Criminal Law Amendment Act, 1925 had expired on the 21st March 1930. Immediately after the Chittagong raid, the powers of arrest and detention including in the Bengal Criminal Law Amendment Act, 1925, were repromulgated by an Ordinance, and on the 16th October were made law as the Bengal Criminal Law Amendment Act, 1930, for a period of five years.

From April 1930 up to the end of the year, 991 persons were arrested under the Ordinance and the Bengal Criminal Law Amendment Act, of whom 818 were interned and 173 released.

The year 1931 was one of continuous anxiety. The terrorists had extended their organisations enormously among the Hindu "bhadrak" youths who had been so incited by the press and platform campaign waged by the Congress against Government and the British and encouraged to break laws by the Civil Disobedience Movement and excited by the terrorist outrages of 1930, that it became increasingly difficult to check terrorism with the Special Powers conferred by the Bengal Criminal Law Amendment Act, 1930.

During 1931, 67 terrorist outrages occurred, the monthly incident being :—

January 5; February 2; March 8; April 7; May 6; June 3; July 6; August 5; September 5; October 11; November 4; December 5.

Nine persons were murdered. The continuance of outrages proved that the powers conferred by the Bengal Criminal Law Amendment Act, 1930 were insufficient. On the 29th October, the Bengal Ordinance IX of 1931 were promulgated by which:

the scope of the Act was widened, so that action could also be taken against all members and helpers of terrorist associations, thus conferring powers similar to those which were used with success against the terrorists in 1916. Whether these powers will have the effect of stamping out terrorism at least temporarily, has yet to be seen. It took from June 1916 to June 1918 before the exercise of such powers produced this effect in the first terrorist campaign.

The terrorist cult has found more votaries in the last two years than ever before. This is due largely to the propaganda against the Government and the British which has been carried on for so long from the Congress platform and press. This propaganda has included the glorification of assassins, the palliation of their crimes by specious arguments about noble motives, all calculated to encourage the youth of the country to emulate their crimes. All deterrent sentences passed on terrorists are derided and nothing to stem the stream of murders committed by them is advocated. Every acquittal is hailed with delight and anything that comes out in favour of an accused terrorist is printed in heavy types.

To the authors of this propaganda may be attributed the responsibility for the descent in Hindu "bbadralok" girls to deeds of cowardly assassination. The participation of women in the terrorist conspiracy is no new development, but until 1931 they had not stooped to assassination.

The outstanding feature of the year was the general spirit of lawlessness engendered by the civil disobedience movement started in 1930. In addition, the extension of the terrorist organizations coupled with the unfavourable economic conditions made the year one of great anxiety to the police, upon whom, although the reserve forces were temporarily strengthened, and additional police were quartered in disturbed areas, a severe strain was imposed both in town and mufassil. In this connection it may be mentioned here that, including the rural police no less than 140 members of the force received injuries and 6 (including an inspector) were killed in the execution of their duty.

It will be seen that in a year of exceptional difficulty, discipline and efficiency were well maintained. There has again been a decrease in the number of judicial punishments, and widespread unemployment drove mentally, also in the number of criminal complaints brought against the police by private individuals.

Turning to the criminal administration, the report shows that while there has been a decrease of 4,544 in the total volume of cognizable cases reported under classes I—V, the number of true cases of "serious" crime increased by 389. The increase in dacoity was abnormal. Altogether 2,305 cases of dacoities were reported of which 1929 (including the pending cases of the previous year) were declared true as against 1,103 in 1930. Economic distress and widespread unemployment drove those in want to crime, while civil disobedience engendered a contempt of authority, encouraged lawlessness, and absorbed the activity of the police. The district police received material help from the Criminal Investigation Department in their efforts to combat the outbreak of dacoities. In spite of the difficult situation, every effort was made to deal with outbreaks of serious crime, but success in this direction depends greatly on the co-operation given by the general public who, as stated in the previous report, have shown marked reluctance to assist the police. Most of the village defence parties remained inactive during the year.

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## The Calcutta Police Administration Report, 1931

During the year 1931 the political situation in Calcutta was one of great difficulty, says the annual report on the Police Administration of Calcutta. For the greater portion of the year, there was in force, what came to be known as the "Irwin-Gandhi Pact." This agreement between His Excellency the Viceroy and Mr. Gandhi was never regarded by Congressmen as anything more than a "truce" extorted from a defeated and reluctant Government, and as a period of reorganization and preparation for the next trial of strength which, it was openly and generally stated, would result in a complete defeat of the Government of India, and in the victory of Mr. Gandhi and the Indian National Congress.

Throughout the year picketing was continued in Barrabazar, and other parts of Calcutta, as outward and visible signs of Congress authority and organisation. This went on to the accompaniment of frequent harlots on flimsy and artificial grounds, processions and public meetings for the furtherance of Congress propaganda, and particularly in honour of executed political assassins, or in an endeavour to compel Government to commute to sentences of imprisonment the sentences of death passed on such criminals. During this period the Police were of necessity compelled to try and observe their side of the "Fact."

Representations were made at intervals to Mr. J. M. Sen Gupta (now a State prisoner under Regulation III of 1918), Mr. Gandhi's representative in Bengal, to prevent or remedy the more disgraceful incidents on the lines of propaganda mentioned above. These efforts were generally fruitless.

The worst feature of the year, however, was the campaign of propaganda to canonize and eulogise political murderers. In one way or another all sections of Congress leaders contributed to this campaign. The attitude of Mr. Gandhi himself was most equivocal and unsatisfactory. Writing in "Young India" in April 1931 (vide "Liberty," dated the 19th April 1931), Mr. Gandhi referring to the assassinations of Mr. Peddie at Midnapore and Mrs. Curtis in the Punjab, wrote the following :—

"The belief which, I know, some of you hold, that an occasional murder of an official helps the cause is wholly unfounded. On the contrary, I know that every murder has hampered me in my pursuit. I know that you are as anxious as I am, you will probably say you are more anxious than I am, for the release of all political prisoners. You must admit that the terrorist method can only retard their discharge. Constituted as this Government is, as all Governments are, they will not discharge political offenders, convicted of violence, when political violence takes place. All things considered, therefore, you will do well to listen to my advice and request to suspend your activities while the nation is giving a trial to my experiment."

This attitude was repeated later in the year in November when commenting editorially on Bengal outrages "Young India" wrote :—

"These outrages, it may fairly be assumed, are political in character. They are a sad proof that the Congress has not only failed to convince the revolutionaries that their methods are wrong, but at least some sections of these young men do not even respect the Congress appeal for temporary suspension of their activities."

The spectacle of this "non-violent" Congress leader appealing for a temporary suspension of murder is instructive.

The attitude of Mr. Subhas Bose, State prisoner, and his party is clearly demonstrated by the speeches of the former up and down the breadth of Bengal, when he was shouting for a net-work of organisations, calling on young men and women as Congress volunteers to carry daggers, and preaching everywhere his doctrine of "self-immolation" in the cause of political freedom. What this phrase "self-immolation" means is clearly demonstrated by the proceedings of the "All Tipperah Students' Conference" held at Comilla in May 1931, and attended by Mr. Subhas Bose, State prisoner, Mrs. Bimal Protiva Debi, detenu, and other followers of Mr. Bose's party. As a result of the visit of Mr. Bose and his followers, the "All Tipperah Students' Conference" adopted resolutions condemning the executions of Bhagat Singh, Rajguru, and Sukh Deb, appreciating the "self-immolation" and courage of Benoy Bose and Dinesh Gupta, assassins in the Writers' Buildings outrage, 1930, protesting against the death sentences passed on Ram Krishna Biswas and Dinesh Gupta, and insisting on the commutation of these sentences, declaring the Gandhi-Irwin agreement unsatisfactory and discouraging and calling upon the students to get prepared for the coming struggle for independence.

In May, "Liberty," of which Mr. Sarat Bose (State prisoner, Regulation III of 1918), Alderman of the Calcutta Corporation, is the Managing Director, in a leading article entitled, "Is Bengal Deteriorating?" triumphantly declared that "the nation which still produces young men, who mount the gallows or suffer "self-immolation" with a smiling face need not despair. Bengal is not deteriorating." At the Faridpur District Conference, attended by Mr. Subhas Bose, resolutions were passed which condemned "the fashion which is obtaining of late to condemn outright those brave youths who resorted to violent methods as a political weapon, and requesting every young man and woman, especially women-folk, to carry daggers, and strongly condemned Government for carrying out the executions of Bhagat Singh and his comrades." Mr. Subhas Bose was accompanied on this occa-

also, as at Comilla, by ex-detenu Bepin Ganguly, Corporation Councillor (now untraced) and Mrs. Bimal Protiva Debi (detenu), all Congress leaders.

The above campaign was carried on persistently throughout the following months. The executions of Dinesh Gupta and Ram Krishna Biswas, were made the occasion for flaring head-line, hysterically eulogistic leading articles and notices in the Congress Press, and for public meetings to do "homage" to these murderers all over the province, until there occurred on the 27th July the assassination of Mr. Garlick, District and Sessions Judge, 24 Parganas, in his court at Alipore. European opinion was deeply stirred over this fresh outrage, and began to take active shape and to find vehement expression. The European Association took up a militant attitude of insistence that the menace should be dealt with thoroughly and effectively and the younger sections of the European community in Calcutta formed themselves into an association, known as the 'Royalists,' which in its earlier days gave some cause for anxiety owing to the intensity of their resentment and to rumours of reprisals intended to be carried out against the Congress protagonists and apologists of political assassins.

Next followed on the 29th. October the abortive attempt by Bimal Das Gupta, wanted as the alleged assassin of Mr. Peddie, to assassinate Mr. Villiers, the President of the European Association. Excitement and resentment against this new outrage rose still higher and gave renewed cause for uneasiness. During this time Mr. Moore, Editor of the "Statesman," was under threat of similar outrage, and in short, during 1931, the situation in Calcutta was such that no person whatever his status or calling in life, could give active expression to views opposed to those of the Congress, or act in opposition to the propaganda and commands of that body except under threat to, or attempt on his life and personal safety. In this campaign of glorification of political murderers Mr. J. M. Sengupta and his paper "Advances" did not fail to participate.

In March Mr. J. M. Sengupta, addressing the "All Bengal Students' Conference" on the subject of violence and non-violence, after claiming most of the detenus as his intimate friends and co-workers in the Congress, and having informed the meeting that he had pressed for the release of the "violence prisoners," and for the commutation of the sentences of death, went on to tell his audience of students that "if after the peace conference actual peace does not come, you do not get independence, you do not get "Purna Swaraj," I certainly would not object to young men differing from us and going their own way."

This paragraph cannot be closed without a reference to the infamous resolution passed by the Calcutta Corporation regarding the execution of the assassin Dinesh Gupta, a resolution which still stands unexpurgated on the minutes of the Corporation. The resolution, moved by Councillor Bhupendra Nath Banerji, ran as follows:—

"This Corporation records its sense of grief at the execution of Dinesh Gupta, who sacrificed his life in the pursuit of his ideal."

The house adopted the resolution standing and on the motion of Councillor Madan Mohan Burman, the meeting was adjourned till Friday, the 10th July. The Mayor, Dr. Bidhan Chandra Roy, in associating himself with the resolution paid a tribute to the courage and devotion of the deceased, while the "Municipal Gazette" in reporting the above published with its report a portrait of Dinesh Chandra Gupta, the convicted murderer.

Such was the political atmosphere prevailing in Calcutta during the year.

Attempts were made by Congress leaders to raise the temperature of political feeling by appointing the non-official "Enquiry Committees" to enquire into the disturbances which occurred at Chittagong after the assassination of Inspector Khan Bahadur Ahsanullah, and at Dacca after the attempts to assassinate Mr. Durrani, the District Magistrate, by the whirlwind campaign of protest after the firing in the Hijli Detention Camp.

The Mahomedan community throughout the year kept aloof from all these extravagances on the part of the Hindu Congress. On the contrary, they undoubtedly shared in the general resentment at the conditions portrayed above.

European feeling, as already noted, was exasperated to the extreme, and it is to be hoped in the interests of the public peace that there will be no recurrence of the events and conditions that prevailed in 1931.

# Civil Disobedience Movement in Bengal

## THE BENGAL ADMINISTRATION REPORT 1930—31

The following is the summary of the report on the administration of Bengal during the year 1930—31 :—

### POSITION AT BEGINNING OF YEAR

On the 1st. January 1931, civil disobedience had been in operation some ten months. The Unlawful Association Ordinance was in force, but had not been applied to any area in Bengal. The Indian Press Ordinance had been re-enacted a day or two before the end of 1930. The Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI of 1930), empowered the executive to arrest and detain members of terrorist organisations. Civil Disobedience, however, had been steadily weakening during the latter months of the year 1930, so much so that, at the opening of 1931, it might justly have been concluded that the movement was in train to be stamped out. There was reason to believe that Congress funds were running low. The public again were increasingly resentful of interference by Congress with their ordinary life, and the great majority were longing for peace. At the same time it could not be denied that the disaffection of a large part of the Hindu middle class stood undiminished. The situation showed little change in the early part of January. The civil disobedience movement was strong in the Midnapore district and the Unlawful Ordinance had to be extended to that district on the 9th January. Picketing on a serious scale was carried on in Calcutta. Occasional picketing was reported from the majority of the districts. The no-tax campaign in the Arambagh sub-division of the Hooghly district still delayed the complete collection of Union rates. There was slight activity in boycott of Union Boards in five districts. Salt manufacture demonstrations were held at one or two places within the districts of Howrah and Midnapore, where, however, they provoked but little public interest. In four districts edititious and provocative speeches were delivered; in all twelve processions were held. During the first fortnight of January 147 persons were convicted in connection with the civil disobedience movement. Of these, however, Midnapore claimed 63 and Hooghly 41.

### THE PRIME MINISTER'S OFFER

Such, in brief, was the provincial situation in regard to civil disobedience when at the final Plenary Session of the Round Table Conference held on the 19th January, the Prime Minister in his speech to the delegates referred to an appeal for an amnesty which had been made by Sir Tej Bahadur Sapru and said that, if the appeal was responded to in India and civil quiet assured, His Majesty's Government would not be backward in their own response. He also stated the views of His Majesty's Government upon the future constitution of India. These were in brief that, with a legislature constituted on a federal basis, the executive should be responsible to the legislatures, central and provincial, with certain reservations or safeguards. The notifications declaring the All-India Congress Working Committee an unlawful association were thereupon withdrawn by Governments in India, and Mr. Gandhi and other Congress leaders were released from confinement.

### RECEPTION OF THE OFFER

The Prime Minister's statement failed to satisfy the Press in Bengal. The vernacular newspapers demanded amnesty without any reservation. Of the English newspapers none but the "Bengalee" and the "Statesman" welcomed the statement or conceded its generosity. The remainder treated it with suspicion, and endeavoured to detract from its value by magnifying the scope of the proposed safeguards. As regards the general public, certainly in some quarters the announcement impressed the politically minded, but Congress proclaimed that the offer was not genuine and in any case extorted by Congress pressure. The attitude of Congress was plainly reflected in the "Independence Day" celebrations, which were held in every district on the 26th January and consisted of processions, illuminations

and flying of the national flag. In three districts these celebrations led to violence. In Calcutta Mr. Subhas Bose placed himself at the head of a procession in defiance of a prohibitory notice issued by the Commissioner of Police, and was arrested, convicted of rioting and sentenced to rigorous imprisonment for six months.

#### DELHI CONVERSATIONS

Mr. Gandhi was soon afterwards summoned to Delhi by Lord Irwin. During February the conversations between the Viceroy and Mr. Gandhi on the political situation continued. During the first half of that month a good deal of disorder was stirred up in various places by Congress workers and there was much illegal activity. The second half of the month was comparatively quiet but towards the end of it the Unlawful Instigation Ordinance and the Unlawful Association Ordinance were extended to certain areas in the province in order to counteract no-tax agitation. On the night of the 26th-27th February the census was taken without untoward incident.

#### THE DELHI SETTLEMENT

On the 5th March the Delhi Settlement was entered into between Lord Irwin and Mr. Gandhi. The chief provisions of the settlement were that civil disobedience was to be discontinued, as well as the boycott of British commodities as a political weapon, Government on their part engaging to withdraw Ordinances connected with the civil disobedience movement and notifications declaring associations unlawful, if made in connection with civil disobedience, to release prisoners sentenced in connection with that movement for offences which did not involve violence or incitement to violence, to withdraw pending prosecutions of a similar kind, and to permit people of villages adjacent to salt-producing areas to collect or make salt for domestic consumption or sale within such villages only. The primary object of Lord Irwin in making the settlement was to give to Congress the opportunity of participating in the Round Table Conference. In terms of the settlement the Ordinances in force were repealed on the 6th March by the Government of India. It was also decided to drop the Indian Press Bill. The Local Government promptly carried out its portion of the compact. In particular it may be mentioned that additional police wherever posted were withdrawn.

#### IMMEDIATE EFFECT OF THE DELHI SETTLEMENT

On the publication of the Delhi settlement the no-tax campaign was abandoned by Congress and there followed a slackening of unlawful activity together with an improvement in the general situation, except in those districts in which civil disobedience stood strongest rooted, in particular Midnapore and Bakarganj. In some other districts also the release of prisoners in terms of the settlement evoked a temporary outburst of civil disobedience in its usual forms. The decision at the Karachi Session of Congress to ratify the settlement was generally welcomed by the public, who were tired of strife. The Indian press, however, stressed the temporary nature of the truce.

#### MURDER OF MR. PEDDIE

Towards the end of March the executions of Bhagat Singh and his followers, condemned in Lahore for political murder, occasioned a number of processions, hartals and meetings at which speeches eulogising their deeds were delivered, revolutionary cries were shouted, and violence, bloodshed and revolution were advocated. These various activities were organised by Congress workers. The Corporation of Calcutta, a body dominated by Congress, adjourned its meeting of the 25th March as a mark of protest against the executions. The Congress press, now free of control, was filled with tributes to the "heroes and martyrs of Lahore." Some of the newspapers confined their praise to the spirit actuating the deed. Others made no such limitation. It is a conclusion of experience that such activities usually lead to outrage and the present occasion proved no exception to the rule. On the 7th April, Mr. J. Peddie, C. I. E. I. C. S., the District Magistrate of Midnapore, was shot and mortally wounded. Mr. J. M. Sen Gupta issued a statement to the Press condemning the murder, and the crime was also on the whole deplored by the Congress newspapers. But "Liberty," the organ of Mr. Subhas Bose, while drawing attention to the deprecation by Mr. Gandhi of the example of Bhagat Singh, at the same time paid "all the tributes that could be paid" to the memory.

It now also became clear that Congress regarded the settlement as an opportunity to reft its forces, consolidate its position and undermine the position of Government, and had been from the date of the settlement working steadily and persistently with those objects in view. Inflammatory and seditious speeches increased in number and violence. The Congress press was full of complaints against Government of violation of the terms of settlement. This course was consciously pursued with the object of securing ground for the renewal of the struggle. The same press clamoured loudly for the reprieve of Dinesh Gupta and of Ram Krishna Biswas condemned to death, the former for the outrage with murder in Writers' Buildings, the latter for the murder by shooting of an Inspector of Police at Chandpur. In May the Commissioner of the Burdwan Division reported that throughout his division, though the agitation for non-payment of revenue rent and Union Board taxes had been abandoned by Congress in deference to the settlement, picketing and boycott still persisted, consumers and vendors of exorbitant articles and foreign goods generally were interfered with by methods the reverse of peaceful, meetings were held all over the division at which the hearers were exhorted to boycott foreign goods, to hoist the national flag and to prepare earnestly for the coming struggle by collecting funds and joining Congress organisations, loyalists were threatened, complainants and witnesses were intimidated and terrorised and Government servants were subjected to insult and to social boycott. In other divisions the signs, if less widespread, were identical. These activities were most serious in the district of Midnapore, where social boycott was powerfully imposed on such as assisted Government, village organisation was strenuously taken in hand and Congress workers endeavoured to create among the masses the impression that government had been surrendered into the hands of Congress.

#### ARBITRATION COURTS

An interesting feature of post-settlement Congress activity in Midnapore was an effort to establish an alternative system for the administration of justice. So-called "arbitration courts" made their appearance soon after the publication of the Delhi Settlement. Some forty courts functioned in all and tried a good many petty cases. They were for the most part found within the Tamluk subdivision, where the scheme in view was to form a court in each village and an appeal court in Tamluk town. Fees were exacted in each case tried and part of any fine imposed was taken into Congress funds. The public were intimated into submitting to the jurisdiction of these illegal tribunals. Two or three cattle pounds were also established and a Congress police-station organisation sketched out for the whole Tamluk subdivision. In certain parts of the subdivision, moreover, the local "militia" of Congress volunteers, besides drilling and practising 'lathi' and sword play, at this time regularly patrolled the villages. It is thus seen that in fact, a beginning was made with a scheme for an alternative government and administration of the district. Efforts were also made to set up "arbitration courts" in the Bankura, 24-Parganas and Hooghly districts. From July onwards the activity of these bodies was of little account. This result may be attributed to the action taken to suppress them by the district authorities, the unpopularity and disrepute of the tribunals themselves owing to corruption and oppression, their adherent lack of sanction and the opposition of the legal profession.

#### SUBSEQUENT LULL IN CIVIL DISOBEDIENCE

In the latter half of May, however, civil disobedience diminished and the improvement persisted for the rest of the year. The energies of Congress workers were largely diverted to the quarrel between Mr. Sen Gupta and Mr. Subhas Bose, which came to a head in May during the preparation for the elections to the Bengal Provincial Congress Committee and was not composed till September, when Mr. Bose resigned, both from the Provincial Congress Committee and from the Corporation of Calcutta, and an arrangement for the representation of both parties on the All-India Working Committee was arrived at. Floods in North and East Bengal, beginning in the month of July, also occupied the attention of Congress, which as on the occasion of previous floods, grasped the opportunity to ingratiate itself with the public of the stricken area and, at the same time, to misrepresent the attitude and efforts of Government. Picketing remained fairly general and continuous till the end of the year; economic boycott of British goods



being substituted for political boycott; but otherwise there was a lull in civil disobedience. Public attention was turned on Mr. Gandhi at the Round Table Conference. The mass of people were, moreover, tired of agitation and wished for peace.

#### MURDER OF MR. GARLICK

On the 7th July Dinesh Gupta was executed. The Calcutta Corporation by resolution adjourned its meeting of the 8th July after the Mayor had exhorted his hearers to "pay our respect to the courage and devotion shown by the young man in the pursuit of his ideal." Hartals were attempted in Calcutta and in certain districts. The accustomed adulation of the murderer was to be read in the Congress press, which likewise denounced the execution as inhuman, vindictive and in faithless violation of the Delhi Settlement. As pointed out before, the canonisation of Bhagat Singh in the press and by the Corporation of Calcutta preceded the murder of Mr. Peddi. On the 27th July Mr. R. R. Garlick, I. C. S. District and Sessions Judge of the 24-Parganas, while sitting in his Court at Alipore, was shot dead. He had presided over the special tribunal which sentenced Dinesh Gupta to death. The murderer was shot down and took poison.

12. The crime aroused great indignation among Europeans. On the 29th July a public meeting was held in Calcutta to record indignation and to call for action by Government. The meeting was packed with Europeans and some Indians also attended. Manifestations of Hindu feeling were mixed. To the older men the murder of a Sessions Judge sitting on the bench came as a shock. But the references thereto in the Hindu newspapers were far from being satisfactory. "Liberty," for instance, uttered merely a formal and perfunctory warning against violence. Other newspapers, condemning the crime half-heartedly, commended the spirit of the criminal and threw the blame on Government for repression. The attitude of a part of the Hindu youth was revealed in the hartal observed by the students of the Jadabpur Engineering College in mourning for the death of Mr. Garlick's assassin, in the course of which they rushed into the upper class compartments of certain railway trains on the Eastern Bengal Railway, insulted and interfered with passengers and made themselves otherwise objectionable. The Calcutta Corporation passed a resolution moved by a European councillor condemning the murder. In the course of the discussion the Mayor maintained that the above mentioned Dinesh Gupta resolution had not been intended to extol the man, but to express nothing more than the Corporation's sense of grief. On the 19th August, after one postponement of discussion, the Corporation, by a majority of 39 to 24, refused the motion of a European councillor to rescind that resolution, but passed an amendment to the effect that the resolution had not been intended to extol murder, that the report in the "Calcutta Municipal Gazette" was inaccurate, and that the Corporation reiterated its condemnation of violence. The Mayor withdrew his speech of the 8th July, though it stood confirmed in the minutes.

#### EXTRA POLICE SUPPRESS TERRORISM

To meet the cost of extra police required to cope with the menace of this outbreak of terrorism, the Local Government passed through the Legislative Council a supplementary demand for Rs. 5,15,000 under the head "Police." This grant was voted by the Council on the 3rd August.

#### MR. GANDHI AT THE R. T. C.

In August Mr. Gandhi made public an intention to abstain from attendance at the Round Table Conference, if certain alleged non-observances by Local Governments of the Delhi Settlement were left unremedied. Conversations on the subject went on for some time between the Viceroy and Mr. Gandhi. Reference of the points at issue to a third party tribunal was demanded by Congress and it plainly emerged as a result of the discussion that Congress was, by virtue of the Delhi Settlement, arrogating to itself the right to interpose and negotiate on behalf of the people of India on terms of equality with the Government of India itself. Eventually Mr. Gandhi withdrew his ultimatum and sailed for England. At this departure the general feeling prevailed that little good could come out of the Round Table Conference, and that resistance to authority in some form or other would be organised as soon as that Conference had terminated.

**ATTEMPT TO MURDER MR. CASSELS**

On the 21st August Mr. A. Cassels, C. I. E., I. C. S., Commissioner of the Dacca Division, was shot at and wounded at Tangail in Mymensingh. In the Press the outrage was generally condemned.

**MURDER OF INSPECTOR ASHANULLAH**

On the 30th of the same month Inspector Ashanullah of the Bengal Police, who had been active in the prosecution of the Armoury Raid Case, was murdered in Cittagong town. This murder of an Officer who, having served in the district for many years, was well-known and respected, aroused among the Local Mahomedan community deep indignation and resentment. Communal feeling on the instant flared up and looting of Hindu shops by Mahomedans broke out in the town. Wild and exaggerated accounts of the looting were published in certain newspapers. Congress appointed a committee headed by Mr. J. M. Sen Gupta to make enquiry. Responsible Mahomedans, however, refused to give evidence before it. This committee published a report which slandered the "local magistracy" and the police by a charge of deliberate instigation and encouragement of looting. The result of the official enquiry ordered by the Local Government had not been made public when the year closed.

**DETENUS IN THE HIJLI DETENTION CAMP FIRED ON BY GUARDS**

In September the guard of the Hijli Detention Camp for detenus fired upon the detenus and killed two of their number. This camp had been opened early in March to relieve congestion caused by the accommodation of detenus in the jails. It was the second such camp of detention to be formed, the earlier camp being located at Buxa. The Local Government appointed a committee, consisting of a High Court Judge and a Divisional Commissioner to enquire and report on the occurrence. The following is the substance of the conclusions reached by the Committee:—"Previous to the occurrence there had been misbehaviour of various kinds by the detenus. The day before the firing took place, a number of them had fired to force their way past the inner gate of the camp and had assaulted the sentry who stopped them. These incidents, in which the detenus were the aggressors, aroused the resentment and anger of the sepoy forming the guard. On the evening of the 16th September a sentry was interfered with by certain detenus. The alarm was given, the guard entered the camp, and, after being joined by the alarm party, charged and drove the detenus into a corner. Some shots were then fired by the sentries, followed by a half-hearted retaliation by certain of the detenus, whereat the sepoy without any justification fired a fusillade at the main building, killing two detenus and injuring several others, one of whom had to suffer the amputation of an arm."

**ATTEMPTS TO MURDER MESSRS Durno & VILLIERS**

On the 28th October in Dacca town Mr. L. G. Durno, I. C. S., District Magistrate of Dacca, was shot at and wounded in the eye. On the 29th October in Calcutta an attempt was made to shoot Mr. E. Villiers, President of the European Association.

**FURTHER MEASURES AGAINST TERRORISM**

These outrages roused the utmost excitement among Europeans in Calcutta, who blamed Government for not having taken earlier action to prevent incitement to violence by Congress and the Press. The Indian Press Emergency Powers Act, 1931, however, had already become law on the 9th October, and now Government tightened up the law against terrorism. On the 29th October the Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI 1930), was amended by Ordinance IX of 1931, promulgated by the Governor-General. This new Ordinance made it possible to take preventive action not only against members of terrorist associations as such, instead of having to wait for evidence of their activities in certain specified directions before action was possible, but also against persons who though not members themselves did any act to assist the operations of any such association. It also included within the schedule of offences liable to be dealt with under the Ordinance the sections of the Indian Penal Code relating to waging war against the King and the offence of harbouring absconders. The object of the former provision was to make possible the arrest of those members of revolutionary associa-

tions, often the leaders and organisers, who stand in the background and avoid active participation in violent acts. A subsequent Ordinance to suppress terrorism which owed its origin mainly to events in Chittagong, will be described in the next paragraph.

#### CHITTAGONG & THE BENGAL EMERGENCY POWERS ORDINANCE

It is convenient to record separately the events in Chittagong during the year. In the month of April the situation there stood as follows: The Armoury Raid had taken place twelve months previously, since when a considerable body of armed police and Eastern Frontier Rifles had been stationed in the town. The trial by a Special Tribunal constituted under the Bengal Criminal Law Amendment Act, 1926, of those accused of complicity in that raid, had commenced in June of the previous year and was still proceeding. It may be mentioned that the termination of these proceedings was not in near prospect even at the end of the year. It was known that there was a band of absconders in the district which was in possession of a considerable amount of arms and ammunition and was in communication with the under-trial prisoners in the raid case, and there was good reason to anticipate further attempts at outrage. Two companies of Gurkhas were requisitioned to aid the police forces, and these arrived in Chittagong on the 21st April. The Officer Commanding assumed responsibility for and charge of the safety of the town. Various precautionary orders were promulgated including an order for curfew. Those of the under-trial prisoners in the raid trial who were at liberty on bail were arrested and committed to confinement under the Criminal Law Amendment Act. Systematic searches were carried out, which resulted in the revelation of well-laid preparations by the absconders to secure the breaking-out of the under-trials from jail, as well as plans for attacks on officials. Within the jail itself and in one of the enclosures housing the under-trials, a number of weapons including a revolver, were discovered buried under the floor and also ammunition, gun powder and electrical wares. The Gurkhas were replaced in May by 200 Assam Rifles borrowed from the Assam Government. The police force in the interior was strengthened by the quartering of 120 additional police in the number of villages. Early in June discovery was made of explosives planted in various places within Chittagong town. In all eleven canisters of gun-powder were unearthed, ten of which weighed some 10 lbs. each and one canister 20 lbs. Several were buried underneath a road adjacent to the Collector's kutcheri. Later in June there was a fresh find of explosives and of materials for making bombs and in August a further capture of bombs. The general apprehension caused by these incidents and by the disturbances which followed the murder of Inspector Ahnaxullah showed the need of stronger action to restore peace and order in the district, and it was decided to take special powers for the suppression of terrorism, and to strengthen the forces of Government by sending a military force to Chittagong. The Bengal Emergency Powers Ordinance, 1931, was promulgated by the Governor-General on the 30th November and at the same time a military force was sent to Chittagong. It was made up of the 1-5th Maharatta Light Infantry and two companies of the 2-8th Gurkha Rifles, with detachment from the Signal and Survey Sections. This force together with an increased force of armed police occupied various localities in the district and was still there at the close of the year. Although it did not succeed in finding the absconders, it had a great effect in restoring confidence and more normal conditions.

#### BERHAMPORE CONFERENCE

At the Bengal Provincial Congress Conference held at Berhampore on the 5th and 6th December immediately after the conclusion of the Round Table Conference in London, a resolution was passed to the effect that the people of Bengal should be urged to prepare for the coming fight and that, in the meantime, effect be given without delay to a programme of intensive boycott of all British goods, boycott of all concerns controlled by Britishers and of Anglo-Indian newspapers, boycott of foreign cloth and prohibition of liquor and intoxicating drugs. The excuses put forward to justify such action by Congress were formulated in the resolution as "the indiscriminate arrest and detention of Congress workers and office-bearers of Congress organisations in Bengal," the so-called unredressed wrongs of Chittagong, Hijli and Dacca, and the enactment of the Bengal Emergency Powers Ordinance, 1931, by which actions Government were alleged to have "practically ended the Gandhi-Irwin pact." The "Dacca wrong" referred to were the arrests

and searches which followed the attempt to murder Mr. Durno and the oppression alleged to have accompanied them. This resolution was the logical outcome of the attitude adopted by Congress ever since the Delhi Settlement was entered into. Mr. Subhas Bose had lately returned from a tour in which he had been preparing the people for a renewal of the war, and doubtless one of the purposes aimed at by the resolution was to confront Mr. Gandhi with an accomplished fact when he returned to India. Congress leaders had elsewhere made the cause of the detenus the cause of Congress, and the demand for the release of the detenus, interned for their complicity in the terrorist movement, betokened the interest in the movement of the Congress party in Bengal. The resolution was subsequently ratified and approved by the Bengal Provincial Congress Committee but remained unimplemented until the end of the year pending the fiat of the All India Congress Working Committee.

#### MURDER OF MR. STEVENS

The President of this same conference, a delegate from Tippera uttered the following words :—"The heroic part the Indian ladies have played in the struggle for freedom has evoked praise from all quarters. I hope, when the struggle is revived as it must be, they will come forward with renewed enthusiasm and redoubled vigour." Mr. Subhas Bose also made a special appeal to women to hold themselves in readiness "to step into the breach." On the 14th December, little more than a week after the close of the conference, Mr. C. G. B. Stevens, I. C. S., District Magistrate of Tippera, was shot dead in his bungalow at Comilla by two girl students each aged about 16 who had obtained access to him on the pretext of submitting a petition for the arrangement of a swimming contest. Mr. Stevens was handing the petition back to them when one of the girls shot him point blank with a revolver. The other shot at those who intervened. The girls were both daughters of local residents.

#### THE INDIAN PRESS AND THE INDIAN PRESS EMERGENCY POWERS ACT, 1931.

The Indian Press Ordinance, which had been re-enacted by the Governor-General a day or two before the opening of the year, was, as has been explained above, repealed on the 6th March in terms of the Delhi Settlement, but the hope that the Press would respond by the exercise of restraint and moderation was soon disappointed. The Government of Bengal was compelled to sanction a large number of prosecutions for seditious articles and the promotion of class hatred. A marked feature in many papers in Bengal was the glorification of political assassins and the encouragement of the cult of terrorism. The danger of such propaganda both in Bengal and elsewhere was too great to be ignored and the Government of India were again compelled to legislate for the control of the Press. A bill was introduced in the Legislative Assembly to provide against the publication of matter inciting to or encouraging murder or violence and the Indian Press Emergency Powers Act, 1931 (XXIII of 1931), was passed by the Legislature and became law on the 9th October.

#### TERRORISM

Ever since the year 1929 Congress leaders and the Congress newspapers had ceaselessly instilled hatred of Government into the minds of the youth of Bengal, and of late, though at times paying lip-service to non-violence, had held up to admiration those who commit murder for political ends. The cult of hatred and violence had been largely disseminated in schools and colleges by teachers who followed the Congress creed. More and more the left wing of Congress had identified itself with the party of terrorism, so that, in some districts at least, it had become difficult to discriminate between the two parties. Thus in the month of August, bombs and materials for their manufacture were discovered in a Congress Office in the Faridpur district. The clamour by Congress against the Ordinances enacted to suppress terrorism indicated the same tendency. The "Youth Movement" was avowedly violent. The open espousal of the cause of the detenus has been commented on above, as also the incitement to terrorism at meetings and by processions organised by members of Congress. Among the members of the Bengal Provincial Congress Committee there were many detenus and ex-detenus. Of these again a number had at various times either been convicted under the Indian Penal Code or bound down under the Code of Criminal Procedure for offences connected with sedition or violence. The same was true of the District Congress Committees of Calcutta and of certain other districts. The revolutionary

party, moreover, had in general used Congress as a stalking horse taking advantage of the Civil Disobedience movement for recruitment purposes. In addition to the activity of Congress by way of incitement to terrorism, Civil Disobedience engendered contempt of authority, encouraged lawlessness and absorbed the attention of the police. Finally, economic distress and widespread unemployment among the middle class had of late years driven those in want to crime. The result was a large and sinister crop of violent crimes and acts of terrorism during the year under review. Especially notable was the number of outrages in which revolvers and explosives were employed. There is evidence of a widespread conspiracy to smuggle arms into Bengal. January saw several cases of arson or attempted arson on the property of Government or of loyalists. In Dacca town armed robbery was attempted on a clerk of the Bhawal Court of Wards' Estate shortly after he had cashed a large cheque. He was shot at and wounded. There were two attempts at armed robbery on the Eastern Bengal Railway. In the Bakarganj district four Hindus of the middle class were arrested with two revolvers and a number of cartridges in circumstances which pointed to an intention on their part to commit a dacoity. In February a violent explosion occurred in a room in a block of buildings in North Calcutta known to be a resort of revolutionaries. In April two passengers were murdered and a large sum of money stolen from a train on the Mymensingh Bhairab Bazar section of the Assam-Bengal Railway. At Sealdah Station in Calcutta four men robbed a Khalassi. One of them stabbed the Khalassi in the neck, while another fired a revolver at a watchman who interfered. In May four youths, one of whom made threat with a revolver, held up and raided a motor bus laden with money for distribution to Sub-Post Offices. In June a live bomb was found deposited on a Calcutta Post Office counter; a merchant's clerk carrying money was stabbed and killed in a Bakarganj village and a bomb thrown into a Chandpur liquor shop killed two customers and injured three more. In August four men armed with revolvers in full day-light robbed Rs. 6,000 from municipal employees in front of the Municipal Office in Dacca. In the same town, another such gang took from certain pandits the money rewards just received from Government which they were engaged in dividing amongst themselves. In September two persons, one with a revolver, were arrested in the Hughly district in circumstances which pointed to their intention to commit a train robbery. In October four youths armed with revolvers and daggers raided a shop in Calcutta and made off with some cash. This outrage was known as the Maniktala dacoity. In Dacca a postal peon was robbed of Rs. 24,000 by armed men, who were chased and captured after they had fired on their pursuers and wounded two constables. In a taxi dacoity in Calcutta the escaping raiders shot two members of the public, one of whom afterwards died of his wounds. In December a box containing 22 bombshells was found by some coolies clearing jungle at a place within the Dacca district. At the very end of the year, on the night of the 30th December, a principal witness in the Maniktala dacoity case was shot dead by an unknown assailant. In addition to the above, on no less than eleven occasions, mail peons or Civil court or school peons carrying sums of money, were robbed by armed men; on four other occasions similar robberies were attempted; while two armed robberies and one attempt at such were made on merchants or their servants carrying cash. In some of these robberies very large sums were lost. Revolvers were fired in some of them causing wounds in certain cases while two of the victims were stabbed. There are also to be recorded four dacoities by armed men. On eight occasions bombs were thrown without effect and one young boy was injured in making up bombs. The perpetrators of most of the above outrages were Hindu youths of the middle class, many of them boys of no more than sixteen years.

# ACTS AND ORDINANCES

## Bengal Emergency Powers (2nd. Amendment) Ordinance 1932

### An Ordinance to amend the Bengal Emergency Powers Ordinances 1932 and intended to crush the terrorist movement—issued on 20th. July 1932

Whereas it is expedient further to amend the Bengal Emergency Powers Ordinance, 1932, now therefore in exercise of the power conferred by Section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

This Ordinance may be called the Bengal Emergency Powers (Second Amendment) Ordinance 1932.

To Section 2 of the Bengal Emergency Powers Ordinance 1932 the following sub-section shall be added :—

(3) Any offence punishable under this section shall, notwithstanding anything contained in the Code of Criminal Procedure 1898, be cognizable and non-bailable.

(The following is the Clause in the original Ordinance to which a sub-clause has been added :—

2. (1) The Local Government, subject to the control of the Governor-General in Council may, by notification in the local official Gazette, make rules :—

(a) to prevent communication with absconders and to secure information of the movements of absconders ;

(b) to prevent attacks on the persons and property of His Majesty's subjects, or to secure information of such attacks and of designs to make such attacks ;

(c) to secure the safety of His Majesty's forces and police ;

(d) to provide for the custody pending production before a court of prisoners taken in circumstances in which the provisions of the Code of Criminal Procedure, 1898 (V of 1898) cannot be followed without undue inconvenience.

(2) In making a rule under this section the Local Government may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months, or with fine or with both.)

## The Bengal Criminal Law Second Amendment Bill, 1932

The Bengal Criminal Law Second Amendment Bill, 1932, was passed in the Bengal Legislative Council on the 1st. September 1932, and gave increased powers to the Government to check terrorism. The most important provision of the Bill was that it made an attempt at murder punishable with death sentence or transportation for life in cases arising out of the terrorist movement. The Bill also provided for the appointment of a fresh Tribunal, dealing with refractory accused and exclusion of public from the precincts of courts in certain trials. The following is the text of the Bill :—

The Bengal Criminal Law Second Amendment Bill, 1932, a Bill further to amend the Bengal Criminal Law Amendment Act, 1925.

Whereas it is expedient further to amend the Bengal Criminal Law Amendment Act 1925, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80A of the Government of India Act : It is hereby enacted as follows :

1. This Act may be called the Bengal Criminal Law Second Amendment Act, 1932.

2. To section 4 of the Bengal Criminal Law Amendment Act 1925 (hereinafter referred to as the said Act,) the following sub-section shall be added namely :—

“(4) At any time before the commencement of the trial of any person under this Act, the Local Government may, by an order in writing stating the reasons therefor, withdraw the case of such person from the Commissioners appointed for the trial and transfer it for trial to three other Commissioners appointed in this behalf.”

3. To sub-section (1) of section 6 of the said Act the following proviso shall be added, namely:

"Provided that where the Commissioners convict any person of any offence punishable under the first paragraph of section 307 of the Indian Penal Code, committed after the commencement of the Bengal Criminal Law Second Amendment Act, 1932, they may pass on such person a sentence of death or of transportation for life."

4. After section 8 of the said Act the following sections shall be inserted namely:—

8A. (1) In any trial by Commissioners appointed under this Act, the Commissioners may, if they think fit, order at any stage of the trial that the public generally or any particular person shall not have access to, or be or remain in, the room or building used by the Court.

(2) Where in the course of any such trial, the Advocate-General certifies in writing to the Court that it is expedient in the interests of the public peace or safety, or of the peace or safety of any of the witnesses in the trial, that the public generally should not have access to, or be or remain in the room or building used by the Court, the Court shall order accordingly.

8B. (1) Where any accused, in a trial by Commissioners appointed under this Act, has by his voluntary act rendered himself incapable of appearing before the Court or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit, and proceed with the trial in his

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1918, no finding, sentence or order passed in a trial by Commissioners appointed under this Act shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

5. In clause (a) of the First Schedule to the said Act for the figures "148" the figures and letter "121, 121A, 122, 123, 143, 216" shall be substituted.

### The Bengal Suppression of Terrorist Outrages Bill, 1932

Another Bill, called the Bengal Suppression of Terrorist Outrages Bill was passed in the Bengal Council on the 6th. September 1932 giving wide powers to the Government of Bengal to suppress the terrorist movement. The text of the Bill is as follows:

The Bengal Suppression of Terrorist Outrages Bill, a Bill to provide for suppressing the terrorist movement in Bengal.

Whereas it is expedient to make special provisions for the purpose of suppressing the terrorist movement in Bengal and to provide for the speedier trial of offences committed in furtherance of or in connection with the said movement, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of the section 80A of the Government of India Act to the passing of this Act: It is hereby enacted as follows:

1. (1) This Act may be called the Bengal Suppression of Terrorist Outrages Act, 1932.

(2) This section, section 2, Chapter II and Schedule extend to the whole of Bengal. The Local Government may by notification in the Calcutta Gazette, extend any or all of the provisions of Chapter I to any area in Bengal.

(3) This Act shall continue in force as long as the Bengal Criminal Law Amendment Act, 1920, remains in force.

2. In the Act, unless there is anything repugnant in the subject or context.—

(a) "absconder" means a person against whom a warrant is in force on account of an offence under the Indian Penal Code or any other law or in respect of whom

an order of arrest has been made under subsection (1) of section 2 of the Bengal Criminal Law Amendment Act, 1890; (b) "the Code" means the Code of Criminal Procedure, 1898; and (c) "scheduled offence" means any offence specified in the Schedule to this Act.

3. (1) Any officer of Government authorised in this behalf by general or special order of the Local Government may require any person whom on reasonable grounds he suspects to be acting or about to act in a manner prejudicial to the public safety or peace, to give an account of his identity and movements, and may arrest and detain him for a period not exceeding twenty-four hours for the purpose of obtaining and verifying his statements.

(2) An officer making an arrest under this section may in so doing use any means that may be necessary to effect the arrest.

4. (1) If, in the opinion of the Local Government, any land or building can be utilised as quarters or offices for public servants, or for the accommodation of troops or police or prisoners or persons in custody, in places where public lands or buildings are not sufficient, the Local Government may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole or any part specified in the order of any fixtures, fittings, furniture or other things for the time being in the building; and the Local Government may dispose of or use such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient.

Provided that reasonable notice and reasonable facilities for withdrawal shall be given to persons occupying any such building before possession is taken under this section.

(2) In this section "building" includes any portion or portions of a building, whether separately occupied or not.

(3) The land or building shall not be so utilised as to wound the religious feelings of the owner or of the person in possession and shall not, as far as practicable, be so used as to interfere with access to any place of worship situated in or contiguous to the land or building.

5. (1) If, in the opinion of the District Magistrate, any product, article or thing, or any class of product, article or thing, can be utilised in furtherance of the purposes of this Act, the District Magistrate may, by order in writing, require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order; and the District Magistrate may dispose of or use it in such manner as he may consider expedient.

5A. The collector shall, on the application of any person who has suffered loss by the exercise of the powers conferred by sections 4 or 5, award to such person such reasonable compensation as he thinks proper.

6. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think expedient for the purposes of this Act, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval, Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

7. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think expedient for the purposes of this Act, traffic over any road, pathway, bridge, waterway or ferry.

8. (1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles or means of transport owned by him or in his possession or under his control.

(2) The District Magistrate, if in his opinion, it is expedient for the purposes of this Act, may, by order in writing, require any person owning or having in his possession or under his control any vehicle or means of transport to take such order therewith for such period as may be specified in the order.

9. (1) The District Magistrate may, by order in writing published in such manner as he thinks best adapted for informing the persons concerned,—(a) prohibit or regulate, the purchase, sale or delivery of, or other dealing in, any arms, parts of arms, ammunition or explosive substances; or (b) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammuni-



tion or explosive substances, shall keep the same in a secure place approved by the District Magistrate or remove them to any place specified in the order.

(2) The District Magistrate may take possession of—(a) any arms, ammunition or explosives, or (b) any tools, machinery, implements or other material of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other person, for the commission of any scheduled offence; and may make such orders as he may think fit for the custody and disposal thereof.

10. (1) The District Magistrate may require any landholder, or any member, officer or servant of any local authority, or any teacher in any school, college or other educational institution, to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government, or of any railway administration or local authority, in such manner and within such limits as the District Magistrate may specify.

(2) The District Magistrate shall satisfy himself that such order is not of a harassing or humiliating nature or is incompatible with the man's position in life and his ability.

(3) No female will be required to render any such assistance.

11. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any scheduled offence or any offence punishable under the Act has been, is being or is about to be committed, or that preparation for the commission of any such offence is being made; (b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

12. Any authority on which any power is conferred by or under this Chapter may authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—(a) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or (b) generally giving effect to such power or securing compliance with, or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

13. If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

14. (1) Where it appears to the Local Government that the inhabitants of any area are concerned in the commission of scheduled offences or are in any way assisting persons in committing such offences, the Local Government may, by notification in the Calcutta Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine; such exemption shall not be based upon communal or racial considerations.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's Judgment of the respective means of such inhabitants.

(4) the portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(5) The Local Government may award compensation out of the proceeds of a fine realised under this section to any person who, in the opinion of the Local Government, has suffered injury to person or property by the unlawful act of the inhabitants of the area.

15. Whoever disobeys or neglects to comply with any order made, direction given, or condition prescribed in accordance with the provisions of this Chapter or impedes the lawful exercise of any power referred to in this Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

16. (1) The Local Government may invest the District Magistrate with the powers of a Local Government under section 4.

(2) The Local Government may invest any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent or any military officer

not below the rank of Captain, with any of the powers of a District Magistrate under this Chapter.

(3) The District Magistrate may, by order in writing authorise any civil and military officer to exercise in a specified area or in connection with specified operations any of the powers of the District Magistrate under this Chapter or with which the District Magistrate has been invested under sub-section 1.

17. (1) The Local Government, subject to the control of the Governor-General-in-Council may by notification in the Calcutta Gazette, make rules—(a) to prevent communications with absconders and to secure information of the movements of absconders, (b) to prevent attacks on the persons of property of His Majesty's subjects, or to secure information of such attacks and of designs to make such attacks, (c) to secure the safety of His Majesty's forces and police, (d) to regulate the exercise of powers conferred by or under this Chapter, (e) to provide for the custody pending production before a Court of prisoners taken in circumstances in which the provision of the Code cannot be followed without undue inconvenience, (f) generally, to carry out the purpose of this Chapter.

(2) In making a rule under this section the Local Government may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

18. Except as provided in this Chapter, no proceeding or order purporting to be taken or made under this Chapter shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Chapter.

19. Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constituted an offence punishable under this Chapter.

20. Notwithstanding anything contained in the Code any offence punishable under this Chapter shall be cognizable and non-bailable.

21. (1) Notwithstanding anything contained in the Code, an offence punishable under section 160, 186, 187, 188, 189, 227, 228, 505, 506, 507, or 508 of the Indian Penal Code, or under section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 186, 187, 188, 228 or 505 of the Indian Penal Code may take cognizance of such offence upon a police-report being made to it under clause (a) sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196, as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

22. If this Chapter is extended to the Presidency-town of Calcutta, "District Magistrate" shall, for the purposes of this Chapter, mean, in that town, the Commissioner of Police.

23. Any Presidency Magistrate or Magistrate of the first class who has exercised powers as such for a period of not less than four years may be invested by the Local Government with the powers of a Special Magistrate under this Act.

24. Where, in the opinion of the Local Government, or of the District Magistrate if empowered by the Local Government in this behalf, there are reasonable grounds for believing that any person has committed a scheduled offence not punishable with death in furtherance of or in connection with the terrorist movement, or an offence punishable under this Act, the Local Government or District Magistrate, as the case may be, may, by order in writing, direct that such person shall be tried by a Special Magistrate.

25. (1) In the trial of any case under this Act, a Special Magistrate shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

Provided that the Special Magistrate shall make a memorandum only of the substance of the evidence of each witness examined and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in his opinion, necessary in the interests of justice.

Provided also that such Magistrate may, in trying any offence punishable under this Act follow the procedure prescribed in the Code for the summary trial of cases where no appeal lies.

(2) In matters not coming within the scope of sub-section (1), the provisions

of the Code, so far as they are not inconsistent with this Chapter, shall apply to the proceedings of a Special Magistrate; and for the purposes of the said provisions the Special Magistrate shall be deemed to be a Magistrate of the first class.

26. A Special Magistrate may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment for a term exceeding seven years.

27. (1) Where a Special Magistrate in any district passes a sentence of transportation for a term not exceeding two years or of imprisonment for a term not exceeding four years, or of fine, an appeal shall lie to the Court of Session.

(2) An appeal under sub-section (1) shall be presented within thirty days from the date of the sentence.

28. No direction shall be made under section 24 for the trial of any person by a Special Magistrate, for an offence for which he was being tried at the commencement of this Act before any Court, but, save as aforesaid, a direction under the said section may be made in respect of any person accused of a scheduled offence, whether such offence was committed before or after the commencement of this Act.

29. If in any trial under this Chapter it is found that the accused person has committed any offence, whether such offence is or is not a scheduled offence, the Special Magistrate may convict such person of such offence and, subject to the provision of section 26, pass any sentence authorised by law for the punishment thereof.

30. A Special Magistrate may, if he thinks fit, order at any stage of a trial that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Special Magistrate as a Court.

Provided that where in any case the Public Prosecutor or Advocate-General, as the case may be, certifies in writing to the Special Magistrate that it is expedient in the interests of the public peace or safety or of the peace or safety of any of the witnesses in the trial that the public generally should not have access to, or be or remain in, the room or building used by the Special Magistrate as a Court, the Special Magistrate shall order accordingly.

31. (1) Where any accused, in a trial before a Special Magistrate, has, by his voluntary act, rendered himself incapable of appearing before the Magistrate, or resists his production before the Magistrate, or behaves before the Magistrate in a persistently disorderly manner, the Magistrate may, at any stage of the trial, by order in writing made after such inquiry as he may think fit, dispense with the attendance of such accused for such period as he may think fit, and proceed with the trial in the absence of the accused.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears before the Magistrate and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Special Magistrate shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

32. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before a Special Magistrate if such person is dead or cannot be found or is incapable of giving evidence and the Special Magistrate is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

33. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Chapter, shall apply to all matters connected with, arising from or consequent upon a trial by Special Magistrates.

(a) Any offence punishable under any of the following sections of the Indian Penal Code, namely, sections 121, 121A, 122, 123, 148, 212, 216, 216A, 302, 304, 307, 324, 326, 327, 329, 332, 333, 335, 336, 337, 338, 339, 358, 359, 360, 367, 368, 369, 398, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460 and 506; (b) any offence under the Explosive Substances Act, 1908; (c) any offence under the Indian Arms Act, 1878; (d) any attempt to conspiracy to commit, or any abetment of, any of the above offences.

# THE BENGAL TERRORIST OUTRAGES ACT (Rules)

An Extraordinary issue of the Calcutta Gazette issued on the 2nd. December 1932, stated :—

In exercise of the powers conferred by section 18 of the Bengal Suppression of Terrorist Outrages Act, 1932 (Bengal Act XII of 1932), the Governor-in-Council is pleased to make the following rules :—

1. These rules may be called the Bengal Suppression of Terrorist Outrages Rules, 1932.

2. In these rules, unless there is anything repugnant in the subject or context :—

(a) "Military officer" means a commissioned military officer.

(b) "Police officer" means a police officer enlisted under the Police Act, 1861, and includes a police constable and any member of the Eastern Frontier Rifles or the Assam Rifles.

(c) "Terrorist" means a persons who—(i) is a member of an association of which the objects and methods include the commission of any scheduled offence, or the doing of any act with a view to interfere by violence or threat of violence in the administration of justice, or (ii) has been or is being instigated or controlled by a member of any such association with a view to the commission or doing of any such offence or act, (iii) has done or is doing any act to assist the operations of any such association.

3. (1) No person shall communicate, directly or indirectly, with an absconder or terrorist or supply him with food, water, arms, clothing or any other article or assist him in any way.

(2) No person shall collect any money, valuables or other articles for the purpose of assisting any absconder or terrorist.

4. (1) Any person who sees an absconder or terrorist or has any information of the movements or whereabouts of any absconder or terrorist or of any communication or means of communication with an absconder or terrorist shall forthwith give full information thereof to the nearest Magistrate, military officer or police officer.

(2) Any person who is aware of the presence in his locality of any stranger shall forthwith report the fact to the nearest Magistrate military officer or police officer.

5. Every person shall be bound to supply, to the best of his ability, any information which any Magistrate, military officer or police officer may require regarding the movements or whereabouts of absconders or terrorists.

6. Every military officer and every police officer not below the rank of an assistant sub-inspector or in the case of the Eastern Frontier Rifles and Assam Rifles, of a jamadar, shall have the power to intercept telegrams, telephone messages, letters, postcards and parcels whenever he considers it to be necessary for the purpose of securing the safety of the military and police forces.

7. (1) If in the opinion of the District Magistrate it is necessary for the prevention of interference with the measures taken for the suppression of the terrorist movement, he may, by an order in writing, prohibit any person who does not ordinarily reside within an area of the district specified in the order from entering, or remaining in, the said area without a permit granted by an authority specified in the order, who may impose such conditions as he thinks fit.

(2) An order made under sub-rule (1) shall be served on the person against whom it is made in the manner provided in section 134 of the Code of Criminal Procedure, 1898.

8. No unauthorised person shall wear the uniform or equipment of His Majesty's military or police forces or similar clothing in any way resembling such uniform.

9. Every person shall forthwith communicate to the nearest Magistrate, military officer or police officer any information which he may obtain respecting any matter likely to affect the safety of the military or police forces.

10. Every member of the military and police forces shall have the power to stop and search any person whom he may suspect of carrying information intended for absconders or terrorists or of carrying any arms, ammunition, or explosives, or of carrying any tools, machinery, implements or other material of any kind likely to be used for the commission of any scheduled offence.

11. When any military officer, gazetted police officer (above the rank of inspector) or Magistrate of the first class, conducting the search of any place for absconders

or terrorists, has reasonable grounds for believing that an attempt to approach and enter the place to be searched will endanger the lives of the party, he may, after taking all reasonable precautions for the safety of innocent persons, use any and every means necessary to ensure the safety of himself and his men when approaching and entering the place for the purpose of the search.

12. Any person who has any knowledge of the whereabouts of any unlicensed arms, ammunition, or explosives or of any tools, machinery, implements or other material of any kind likely to be used for the commission of a scheduled offence, shall forthwith report the fact to the nearest Magistrate, military officer or police officer.

13. No person shall in any way impede, or incite any person to impede any member of the military or police forces acting under Chapter one of this Act.

14. Any person knowing of any attempt or design to damage any military police or public property shall forthwith report the matter to the nearest military or police officer.

15. No person shall endeavour to elicit information regarding the military or police forces from any member of such forces or from any person in the employment of Government.

16. Any person found in possession of any publication, leaflets or paper containing any incitement to murder or violence or any matter in support of the terrorist movement shall be deemed to have committed an offence under these rules.

17. (1) Any person who contravenes any of these rules shall be punishable with imprisonment which may extend to six months or with fine or with both.

(2) Any person who contravenes an order made under sub-rule (1) of rule 7 shall be deemed to have committed an offence punishable under sub-rule (1).

### Rules for Chittagong

In exercise of the powers conferred by section 18 of the Bengal Suppression of Terrorist Outrages Act, 1932 (Ben. Act XXII of 1932) the Governor in Council is pleased to make the following rules, in addition to the Bengal Suppression of Terrorist Outrages Rules, 1932.

These rules will apply to the district of Chittagong only :—

1. The District Magistrate may, for the purpose of preventing the movements of and communication with absconders or terrorists, direct by an order in writing, the inhabitants of any area specified in the order to remain within their houses between sunset and sunrise on the day or for the period specified in the order.

2. The District Magistrate, if in his opinion, it is necessary for the purpose of preventing communication with absconders or attacks on the persons or property of His Majesty's subjects, or securing the safety of His Majesty's forces or police, may, by an order in writing, direct the inhabitants, or any class or section of the inhabitants, of any area specified in the order to remain for a specified period not exceeding one month within the houses or homesteads in which they normally reside.

3. The District Magistrate for the purpose of preventing communication with absconders or terrorists or for the purpose of restricting their movements, may, by order in writing, control, in such manner as he considers necessary, in any area specified in the order, all traffic or any particular form of traffic and prohibit in such area any person or class of persons from travelling or being carried by any particular routes or forms of transport or by any route or form of transport.

4. The District Magistrate may, for the purpose of preventing the movements of, or communication with the absconders or terrorists, direct, by an order in writing, that any person or any class or section of the inhabitants of any area specified in the order :—

- (a) shall reside or remain in any area specified in the order,
- (b) shall not enter, reside or remain in any area specified in the order,
- (c) shall remove from and shall not return to any area specified in the order,
- (d) shall conduct himself or themselves in such manner, abstain from possessing as may be specified in the order.

5. Any person who contravenes an order made under these rules shall be punishable with imprisonment which may extend to six months or with fine or with both.

# BENGAL RETRENCHMENT COMMITTEE REPORT

The report of the Bengal Retrenchment Committee, appointed by the Government by a resolution dated 25th April was issued on the 10th. November 1932. "We entered into the task with little expectation of being able to suggest immediate economies sufficient to bridge the gulf between the revenue receipts and expenditure, which in the current year is estimated as Rs. 15,936,000 nor have we been able to do so", said the report in the introduction adding that "if our suggestions are accepted in toto, the proposed retrenchments will lead to a saving of Rs. 18,496,000". The Committee is of opinion that increasing taxes cannot be increased. Bengal must look for relief to an equitable revision of the financial settlement. Many of the recommendations, said the report, will to some extent impair efficiency of the departments affected, but in the present circumstance the province must be satisfied with a somewhat lower standard.

Important recommendations made by the Committee include reduction in the number of Governor's Cabinet from seven to five with pay of Rs. 4000 each, reduction of Rs. 500 in the pay of the President of the Legislative Council, office of Deputy President being honorary, reduction in the number of Divisional Commissioners from 5 to 3, reduction in the basic pay of the I. C. S. juniors receiving Rs. 375 rising to Rs. 2,400, sufficient overseas pay being allowed to European members to attract recruits of the type required, estimated savings in the police administration of Rs. 1,112,000 of which Rs. 746,800 in Bengal Police and Rs. 365,200 in Calcutta Police, several superior posts of which have been recommended to be abolished or existing number reduced. In Education Dept., the recommended savings amount to Rs. 914,000 including reduction of five per cent in the aggregate grants to two Universities of Calcutta and Dacca and the abolition of the post of Inspector of European schools.

In the Medical Dept., savings amount to Rs. 560,400, including Rs. 23,000 from increased fees from hospital patients and abolition of post of Surgeon General. In Agriculture, savings are estimated at Rs. 696,900 and Public Works Rs. 243,700 with recommendations not to renew lease of the present Government House at Dacca. In general administration, savings recommended are Rs. 1,895,500 including Rs. 49,700 saved from Governor's establishment.

The report was signed by Messrs J. A. L. Swan, Chairman, J. N. Basu, M. L. C., H. Birkmyre, M. L. C. and Khan Bahadur Maulvi Azizul Haque, M. L. C., with dissenting notes by Messrs Birkmyre, Basu, and Haque and supplementary notes by Messrs Basu and Haque.

The terms of reference to the Committee were as follows: "To review the expenditure of the Government and make recommendations as to any economies which in their opinion might reasonably be effected in view of the present financial situation."

The Committee proposed retrenchments in the various departments of the Government which, if accepted, would lead to an ultimate saving of Rs. 1,84,96,000. The Committee pointed out that the general recommendations regarding All-India services are those of the three non-official members and the Chairman did not take part in them.

## REVISION OF FINANCIAL SETTLEMENT NEEDED

The Committee made the following general observations:

"Some of our recommendations can only take effect gradually, in particular those relating to the pay of Government servants, and it is clear to us that retrenchment alone cannot place the province in a position of solvency. Nor will further taxation provide a solution. Existing taxes cannot be increased, and from a perusal of the Federal Finance Committee's Report it is clear that new sources, if any can be found, are likely to yield comparatively little revenue. Bengal must therefore look for relief to an equitable revision of the financial settlement. We need not discuss the recommendations of the Federal Finance Committee. These, if accepted, would perpetuate the present position, but we trust that the representations which the Government of Bengal have made will command attention and that, on the introduction of the new constitution, Bengal will be given a revenue commensurate with its wealth and need."

Many of the recommendations which we make will to some extent impair the efficiency of the departments affected, but we consider that, in the present circumstances, the province must be satisfied with a somewhat lower standard. We have endeavoured to frame our proposals in such a way as to avoid revolutionary changes in the existing system of administration. Such changes would, in our opinion, be unwise on the eve of important constitutional reforms."

The following is a summary of the concrete proposals for reduction on the main heads of Administration :—

#### GOVERNOR'S CABINET

Referring to the Governor's Cabinet the Committee said that in the present circumstances and under the existing constitution the Governor should be able to carry on with a Cabinet of five on a salary of Rs. 4,000 per month each.

#### PRESIDENT OF COUNCIL

The pay of the President of the Bengal Legislative Council which is at present Rs. 8,000 should be fixed at Rs. 2,500 per month and the office of the Deputy President should be an honorary one.

#### BENGAL SECRETARIAT

Dealing with the question of reduction in the Secretariat the Committee said : "We are of opinion that it is not advisable to appoint heads of departments as Secretaries to Government, and that Members and Ministers are entitled to the independent advice which the present system provides. We think however that the number of Secretaries can without loss of efficiency be reduced from 8 to 6. The following distribution of work appears to us to be feasible : (1) Political, Appointment and Jails. (2) Finance and Commerce, (3) Education, Agriculture, Industries and Excise. (4) Revenue, Forests, Irrigation and Public Works. (5) Local Self-Government, Medical and Public Health and (6) Legislative, Judicial and (Legal Remembrancer)." Instead of four Deputy Secretaries the Committee suggested three. In the place of ten Assistant Secretaries the Committee recommended that there should be seven in all. In the whole of the Secretariat, in place of 32 Head Assistants, the Committee suggested the reduction of the number to 21. The number of Stenographers in the Secretariat was recommended to be reduced from 20 by about a third.

#### HILL EXODUS ONLY ONCE

Referring to the question of hill exodus the Committee recommended that of the two visits to Darjeeling, the second should be abandoned altogether. The Committee, however, thought that the Members, Ministers and Secretaries must accompany the Governor to Darjeeling with sufficient staff to deal with urgent matters. But no Deputy Secretary, Under-Secretary or Assistant Secretary need accompany the Government except one Under-Secretary or Deputy Secretary in the Political Department who was required for the deciphering of telegrams and was responsible for the safe custody of the codes.

#### GOVERNOR'S STAFF

Under the head "Staff and Household of the Governor" the Committee recommended the maintenance of the present strength of the Governor's Body Guard but suggested that the Commandant of the Body Guard need not in future be an officer of higher rank than a senior Captain. The services of a whole-time Surgeon to the Governor was recommended to be dispensed with. As regards the cost of the Governor's Special train economies should be effected by attaching the Governor's saloon to ordinary mail trains. The band establishment was proposed to be reduced from one director and 20 musicians to one director and 13 musicians.

While recommending the retention of the posts of Divisional Commissioners the Committee thought that their number could be reduced from five to three.

#### INDIAN CIVIL SERVICE

After pointing out that the Indian Civil Service provided for 101 superior posts, of which 48 were in the Judicial Branch, the Committee opined that the Judicial Branch should, in future, be recruited direct from the Bar and by the promotion of selected Sub-Judges. If the 55 superior posts left in the Executive Branch the

Committee recommended the abolition of two posts of Divisional Commissioners, two posts of Secretaries, two posts of Settlement Officers, thus leaving 47 superior posts. The Committee assumed that half of these posts would be filled by Europeans for a considerable time to come. There would then remain about 24 posts for Indians, of which 8 are at present 'listed', that is, open to members of the Bengal Civil Service. The Committee recommended that in future 10 posts should be 'listed'. It was suggested that there need not be separate recruitment of Indians merely for the remaining 14 posts and that all the 24 posts should be filled by promotion of Bengal Civil Service officers. But the Committee were unable to accept this proposal and were in favour of direct recruitment.

#### A LOWER SCALE OF PAY

Opining that there was no justification for the present high rates of basic pay given to members of the Indian Civil Service the Committee recommended the basic scale of Rs. 375 as starting salary ending with Rs. 1,500, only officers in the Commissioner's rank getting a maximum salary of Rs. 2,400. But sufficient over-seas pay was recommended to be allowed to European members of the Service to attract security of the type required.

#### BENGAL CIVIL SERVICE

Regarding the amalgamation of the Bengal Civil Service and the Bengal Junior Civil Service the Committee thought that amalgamation was not possible without an increase of cost. The present cadre of the Bengal Civil Service was recommended to be reduced from Rs. 332 to about Rs. 200 excluding those holding listed posts and the salary of the cadre was to range from Rs. 200 to Rs. 750.

#### JUNIOR CIVIL SERVICE

In the Bengal Junior Civil Service the strength of Circle Officers, numbering 201 at present, was recommended to be reduced to half. The Committee, however, did not recommend any reduction in the scale of pay of the Bengal Junior Civil Service which was Rs. 150 to Rs. 400 with a selection grade at Rs. 450. The Committee, however, thought that the future cadre of the Bengal Junior Civil Service should be fixed at Rs. 400.

The Committee did not recommend that economies should be effected by the amalgamation of districts.

The total savings suggested under the head—(General Administration—was Rs. 17,69,503.

#### JUDICIAL DEPARTMENT

To dispose of a great volume of unimportant and routine work in the Civil Courts the Committee suggested the creation of a service of Assistant Munsiffs on a pay of Rs. 150 to Rs. 250 the strength of this new cadre not exceeding 75, thus enabling the strength of the permanent Munsiffs to be brought down from 356 to 225. All Munsiffs are to be appointed by promotion from the Lower Service. The pay of the Judicial Services was considered to be unnecessarily high and the Committee recommended a scale of Rs. 275 to Rs. 600 for Munsiffs and a scale of Rs. 650 to Rs. 800 for Sub-Judges. The pay of District Judges who should be appointed partly by promotion from among the Sub-Judges and partly by direct recruitment from the Bar, should be fixed at Rs. 1,000 to Rs. 1,600.

A reduction in the scale of pay of the Small Causes Court Judges was also recommended.

#### POLICE BUDGET CURTAILMENT

The Committee was of opinion that considerable economies could be effected in the budget without materially reducing the efficiency of the force. The Committee recommended that of the two assistants to the Inspector General of Police one of them should be an officer of the rank of Assistant Superintendent or Deputy Superintendent of Police. The number of Deputy Inspectors-General of Police which is at present five was recommended to be three. The number of permanent Additional Superintendents of Police which is at present ten was recommended to be reduced to five. The amalgamation of the River Police and the Railway police with the General police was also recommended.

#### C, I. D. ALSO AFFECTED

While opining that the Criminal Investigation Department should be retained as a Central Department, the Committee recommended the abolition of the district



detective Departments which had been started in six districts of the province. With reference to the Intelligence Branch the Committee said that it was impossible to estimate the staff required from a mere examination of statistics. The Committee was informed that a senior officer of the Indian Civil Service had at that time made a full enquiry into the matter and that so far from any reduction being possible, an increase of staff was urgently required. "With the question of increase," the Committee stated, "we are not concerned but we recognise that in the present circumstances no retrenchment is possible nor can we recommend any reduction at present in the strength of the military and armed police." The abolition of the post of Deputy Superintendent of Police by stoppage of recruitment was recommended. The Committee recommended that the future scale of pay of the Indian Police Service should be Rs. 300 to Rs. 650 for the junior scale and Rs. 600 to 1,250 for the senior scale. A suitable overseas allowance should be given to European officers.

#### CALCUTTA POLICE

As regards the Calcutta Police the Committee came to the conclusion that except in the Armed Police it was not possible to effect any reduction in the lower ranks of the force. The number of Deputy Commissioners of Police was recommended to be reduced from 7 to 4 and that of Assistant Commissioners of Police from 10 to 7. The savings suggested in the Bengal Police was Rs. 7,46,800 and those in Calcutta Police was Rs. 3,652,000.

#### EDUCATION CUTS

Reduction by 5 per cent in the annual grant to the Calcutta and Dacca Universities was recommended.

#### MEDICAL DEPARTMENT

The post of Surgeon-General to the Government was recommended to be abolished. With the exception of 7 superior posts in the Indian Medical Service, all other superior medical posts in the province was recommended to be filled up partly by promotion of Assistant Surgeons and partly by private practitioners on part-time allowance.

The total savings suggested in the various Departments were as follows:—

	Savings.	Estimated Increase of revenue
	Rs.	Rs.
Land Revenue	2,72,400	1,29,00
Excise	1,88,900	...
Forest	2,71,600	...
Registration	6,93,400	...
Scheduled Taxes	10,000	...
Irrigation	4,58,500	...
General Administration	17,69,500	1,26,00
Administration of Justice	6,97,900	32,20
Jails	61,500	...
Police	11,12,000	...
Education	9,14,000	...
Medical	5,37,400	23,00
Public Health	1,74,400	5,10
Agriculture	6,96,900	...
Industries	1,88,200	2,50
Commerce and Marine Departments	56,300	50,50
Public Works	24,37,200	...
Stationery and Printing	1,95,000	...
Miscellaneous Grants	18,900	...
Pay of the Services	48,00,000	...
Special Pay	2,10,700	...
Compensatory Allowances	80,000	...
Travelling Allowance	6,80,000	...
Contingencies	700,000	...
Leave Reserves	9,00,000	...
	1,81,27,700	3,68,30
<b>Total Rs.</b>		<b>1,84,96,000</b>

# COTTON TEXTILE INDUSTRY IN INDIA

## Govt. Resolution on Tariff Board's Recommendations

A *Gazette Extraordinary* issued on the 30th. August 1932 from Simla notified an increase of 50 per cent of the duty on certain cotton piece-goods. The notification says that cotton piece-goods (other than tents of not more than 9 yards in length) (1) plain grey that is not bleached or dyed in the piece if imported in pieces which either are without woven headings, or contain any length or more than 9 yards which is not divided by transverse woven headings and (2) not of British manufacture—on these articles the present duty is 20 per cent *ad valorem* or  $3\frac{1}{4}$  annas per lb. whichever is higher. This duty is raised to 50 per cent *ad valorem* or  $5\frac{1}{4}$  annas per lb. whichever is higher.

(b) others (ii) not of British manufacture—the present rate of duty on these which is 20 per cent *ad valorem* is raised to 50 per cent *ad valorem*. Another notification exempts the additional duty from the surcharge.

The increased duty takes immediate effect and lasts till March 31. 1933.

### Government Resolution

The following resolution was issued on the 30th. August :

In their resolution No. 341 T (16) dated July 25, 1932, the Government of India announced that they had received an application from the cotton textile industry requesting the Governor-General in Council in the exercise of his power under sec. 3 (5) of the Indian Tariff Act to increase the duty leviable on cotton piece-goods not of British manufacture under item 138 in part VII of the import tariff. It was further announced that the Government of India has decided to cause an immediate enquiry into the matter to be made by the Indian Tariff Board with the following terms of reference :

To report whether cotton piece-goods, not of British manufacture, are being imposed on such a price or is likely to render ineffective the protection intended to be afforded by the duty imposed on such articles under part VII of the second Indian Tariff Act of 1894, by the Cotton Textile Industry (Protection) Act of 1930 to similar articles manufactured in India and, if so, to consider :—

(a) to what extent the duty on cotton piece-goods, not of British manufacture, should be increased and whether in respect of all cotton piece-goods not of British manufacture or in respect of cotton piece-goods plain grey only, or of cotton piece-goods others only.

(b) whether the duty should be increased generally or in respect of such articles when imported from or manufactured in any country or countries specified, and

(c) for what period any additional protection found to be required should be given, and to make recommendations.

### BOARD'S FINDINGS

2. The Tariff Board after a consideration of all the causes which have helped to depress the prices of cotton piece-goods imported into India since the passing of the Cotton Textile Industry (Protection) Act of 1930 decided that the only factors which it was possible to take into consideration for the purpose of the emergent enquiry were the currencies and the fall which had taken place in the price of raw cotton.

### DEPRECIATION OF JAPANESE CURRENCY

The board has found that the only country, of those which send cotton piece-goods to India, whose currency has depreciated in relation to Indian currency as compared with the rates prevailing when the protection was granted to the Indian industry is Japan, and after tracing the course of the rupee-yen exchange and of the prices at which cotton piece-goods have been and are being imported into India from Japan, the board has reached the conclusion that the dominating factor in the decline in prices of these imports has been the depreciation in the value of the yen in relation to the rupee. This conclusion is in the board's view supported by the fact that since last June a distinct upward movement in the price of cotton has

taken place, while the extent to which the precipitate fall in the value of the yen has assisted the imports of cotton piecegoods into India is illustrated by the very large increase in the volume of such imports from Japan which took place during the month of June, those imports representing contracts made since February last when the fall in the value of the yen below the parity began. The figures obtained by the board from the Calcutta customs house and from leading importers at Calcutta indicated a further considerable drop in the prices quoted forward for Japanese cotton piecegoods.

#### SERIOUS INJURY

In arriving at the conclusions set out in its report the board has given full and careful consideration to the representations made by the Japan Cotton Spinners and the Japanese Cotton Piecegoods and Yarn Importers Associations and has made it clear that while the effect of a depreciated exchange upon the prices of exported goods is of a temporary nature it is capable, while it lasts, of inflicting serious injury on a manufacturing industry in the country of import.

The report further explains that an order to establish a case justifying the use of the powers conferred on the Governor-General in Council by sec. 3 (5) of the Tariff Act it is unnecessary to show that goods are being imported at prices lower than the cost of production or than the internal sale prices in the exporting country but only that the current prices of imported goods are lower than those on which the scheme of protection for the local industry had been based.

#### OBJECT OF COTTON TEXTILE INDUSTRY PROTECTION ACT

3. The object of the Cotton Textile Industry Protection Act of 1930 was as the report indicates, not to give substantive protection to the Indian industry but to preserve the industry or an important section of it until the question of substantive protection had been considered and decided—a question into which the Tariff Board is now conducting an enquiry in accordance with the direction made to it in April last by the Government of India and its present finding is strictly confined to the question whether the protection intended to be afforded until 31st March 1933 is likely to be rendered ineffective.

#### ADDITIONAL PROTECTION IMMEDIATELY NECESSARY

The board has found that for the purpose as stated above the grant of additional protection to the Indian cotton textile industry has become immediately necessary and, working from the basis of the prices current in March 1930 and of the rate of duty then fixed by the Act, it has calculated that taking the value of the yen at Rs. 106 to 100 yen (the average rate during July) and making the necessary allowance for the fall in the price of raw cotton the *ad valorem* duty on cotton piecegoods, not of British manufacture, should be raised to 50 per cent in order to restore the measure of protection intended to be given to the Indian industry.

#### RECOMMENDATIONS

The Government of India have carefully considered the board's conclusions which have been briefly set out above and are in agreement with them.

#### SUGGESTION TO RAISE VALUE OF GOODS UNACCEPTABLE

4. In considering its recommendations the board has expressed a doubt whether in the particular circumstances an alteration of the rates of customs duties is the most suitable form in which to give the additional protection required and has made the suggestion that Government should examine the possibility of using the powers conferred on them under sec. 3 (2) of the Tariff Act to raise the value of goods imported from a country with a depreciated exchange for the purpose of assessment to duty to such an extent as may be necessary from time to time to counteract the falls in prices. The Government of India are unable to accept this suggestion. *Ad valorem* duties are assessed on the actual value of the goods imported as nearly as it is capable of ascertainment and the object of the statutory provision cited by the board is not to enable arbitrary valuation to be assigned for particular purposes, but to provide a method of fixing the actual value after a careful consideration of the market prices as an alternative to assessment on 'real value' as defined in sec. 30 of the Sea Customs Act.

## AD VALOREM DUTY SHOULD BE RAISED

5. Failing the acceptance of the suggestion referred to in the preceding para the board has recommended that the *ad valorem* duty on cotton piecegoods, not of British manufacture, which was fixed by the Cotton Textile Industry (Protection) Act of 1930 at 20 per cent and to which surcharges amounting to 11½ per cent have been added for revenue purpose by the Finance Act of 1931 should now be raised to 50 per cent and that the increased duty should remain in force until March 31, 1933. In making this recommendation the board has stated the view that the need for additional protection arises solely from the position created by the depreciation of the Japanese currency and that in view of the serious consequences with which the Indian industry is threatened by reason of the phenomenal increase in imports of cotton piecegoods from Japan an additional duty on these imports is imperative. If, therefore, the Indo-Japanese Commercial Convention of 1904 is held to be a bar to any increase of the duty on Japanese goods alone the board recommends without hesitation that the proposed increase be applied to all cotton piecegoods, not of British manufacture.

## PLAIN GREY COTTON PIECEGOODS

The board has made no recommendation in regard to the minimum specific duty on plain grey cotton piecegoods in the belief that sec. 3 (5) of the Tariff Act confers no power to alter that duty because it is not higher upon articles, not of British manufactures.

## RECOMMENDATION RE. AD VALOREM DUTY ACCEPTED

6. The Government of India have carefully considered these recommendations and have also given full weight to the representations which they have received against any further increase in the duties on cotton piecegoods. They accept the board's recommendation in respect of the *ad valorem* duty on cotton piecegoods not of British manufacture, but they wish to make it clear that the Indo-Japanese Commercial Convention of 1904 does not admit of the imposition in any circumstances of a higher duty upon goods of Japanese origin alone. The increased duty will, therefore, be applicable to all cotton piecegoods, not of British manufacture.

## DUTY ON PLAIN GREY COTTON PIECEGOODS RAISED

As regards the minimum specific duty on plain grey cotton piecegoods the Government of India are satisfied that the Governor-General in Council has power to alter this element equally with the *ad valorem* rate in the duty with which the plain grey cotton piecegoods are chargeable; for the two elements in the duty are not separable and the rate of duty as a whole applicable to articles, not of British manufacture, is higher than the rate applicable to similar articles of British manufacture.

Having regard to the findings of the board and to the great importance to the Indian cotton textile industry of the plain grey class of piecegoods, the Government of India consider that any measure of additional protection which omitted this class of imports from its scope would to a large extent fail of its object. They have accordingly decided to increase the duty also upon plain grey piecegoods and, following the general principle adopted by the board in calculating the increase necessary in the *ad valorem* rate of duty, they have decided that the minimum specific duty should be raised to 5½ annas per pound.

## TO REMAIN IN FORCE UNTIL MARCH 1933

The increased duties will take effect immediately and will remain in force until March 31, 1933 and will not be subject to the surcharges imposed by the Indian Finance Act of 1931 and the Indian Finance (Supplementary and Extending) Act of 1931.

In announcing their decision, the Government of India desire to emphasise the fact that in accepting the necessity for a purely temporary increase they have in no way prejudged the question whether the Indian cotton textile industry satisfies the conditions required to qualify it for the grant of substantive protection. That question is now under examination by the Tariff Board and will come under consideration by the Government of India in the course of the next few months.

## The Tariff Board's Report

The Indian Tariff Board Report signed by Dr. J. Mathi (President), Mr. Fazal Haq and Mr. G. T. Boag regarding the grant of additional protection to the cotton textile industry was released for publication from Simla on the 1st. September 1932 and received by the Government of India from the Indian cotton textile industry. The representation of the Bombay Millowners' Association is confined to the need for assistance arising from the Japanese exchange depreciation only.

The report maintains that improved methods of manufactures and reduction in costs are somewhat responsible for the fall in prices, but this being a question which cannot be dealt with except in a detailed enquiry it has been considered expedient to restrict the enquiry to the fall in prices resulting from the exchange depreciation and its effects on Indian piecegoods. The currency of Japan is then dealt with and it is held that it has depreciated owing to the world-wide economic depression. Its effects on Japanese industries both at home and abroad and the suspension of gold standard by Great Britain are also discussed. Japan's dumping has a most insidious effect on the home industry and the extent to which the precipitate fall in the value of the yen since February has helped Japan's trade is indicated by the enormous increase in the volume of imports from Japan into the Bombay port.

The Tariff Board, in considering the extent to which the fall in prices due to exchange depreciation is likely to render ineffective the protection intended for the industry and the additional assistance which it requires, state that the effect of a continued depreciation of exchange will be felt by the cotton textile industry in every part of India although its results are probably more manifest in Bombay. When the Cotton Textile Industry (Protection) Bill was under consideration in the Legislative Assembly it was stated by the Commerce Member that the bill had a limited objective which referred especially to the condition of things which exists in the cotton mill industry in the Bombay island. 'We would, therefore, refer, in reply to the question whether the recent fall in prices will render the protection ineffective, to the unsatisfactory financial position of the Bombay industry as a whole during 1930 and 1931, when the prices were considerably higher than they are now. In 1929 the total loss on the year's working in 76 mills included in a consolidated balance sheet prepared by the Mill-owners Association was Rs. 229 lakhs. Making allowance for the depreciation at the income-tax rates in 1930 the nett loss on the same basis for 71 mills was Rs. 237 lakhs. The provisional figures supplied to us for 41 mills for 1931 show a nett loss of Rs. 53 lakhs. The position in 1931 appears to show a marked improvement over the previous year, although the earnings were still insufficient to cover the depreciation. It is evident that if the fall in import prices occasioned by the exchange depreciation is allowed to continue there will be a serious setback from such improvement as is shown by the figures of 1931. An indication of this is supplied by the fact that the number of spindles idle in Bombay at the end of June showed an increase of 15 per cent as compared with February last and that while the number of spindles working double shift was 17 per cent and looms 20 cent of the total in February, the corresponding figures for June were 7.8 per cent and 3.6 per cent respectively.

In recording our finding on this question we desire to draw attention to the following observation by the Commerce Member during the debate on the Protection Bill of 1930: "The immediate object (of the bill) was the preservation of the industry or an important section of it and not its ultimate development. The latter point is reserved for consideration during the Tariff Board's enquiry which, if, the provisions of this bill are accepted by the House, would be held in the year 1932-33."

Our present finding is strictly confined to the object of protection as envisaged in the Act of 1930 and must not be regarded as involving any conclusions on our part regarding the general question of protection for the Indian textile industry which is now under consideration?

'Before stating our proposals regarding additional duties, we desire to point out that alterations of rates of customs duties does not appear to us to be the most suitable form in which assistance may be given to an industry against the temporary and variable handicap involved in the depreciation of exchange. The general dislocation of the market entailed by a change in the rate of duty should,

we think, be avoided unless it is clear that no other remedy is possible. Its consequences will be disproportionate to the duration of the evil and it is too inelastic to be adapted to the frequent variation to which the exchange rates are liable in the present case. Since the question of granting substantive protection to the Indian industry is already under investigation and a reconsideration of the existing duties must in any case be undertaken before the end of the financial year, it appears to be particularly desirable, that the additional assistance required should be provided, if possible, by other means than an alteration of the tariff rates.

We suggest that the tariff values of piece goods imported from Japan should for customs purposes be estimated from time to time at the current landed cost multiplied by figures shown in the following table. We have provided in this table only for two rates of valuation since frequent variations would be clearly undesirable. These rates are approximately averages of the figures corresponding to the different ratios of exchange—when the exchange is not above 115 1-5-8, when the exchange is above 115 but not above 125 1-3-8, and when the exchange is above 125. It is necessary to provide that once a particular figure is adopted for estimating the value it should not be altered for a period of at least three months and no new figure should be adopted unless the corresponding ratio of exchange has been in force for at least four weeks. The rate of exchange should be taken at the bank's selling rates. If this scheme is not accepted we propose that the necessary additional assistance should be provided by raising the *ad valorem* duty on cotton piecegoods from 31-1-4 per cent. to 50 per cent. The increased rate of duty should be in force till March 31, 1933.

"There is no logical reason for increasing the duties on imports from countries whose currency has actually risen in value as compared with the rupee, but we regard the phenomenal increase in the imports from Japan as such a serious menace to the Indian industry that an increase in the duties on Japanese goods is imperative and consequently if the most favoured nation clause in the Trade Convention with Japan is held to be a bar to any proposal to increase the duties on Japanese goods alone, we have no hesitation in recommending that the increase of duty be applied to all goods not of British manufacture. We consider that this proposal will not involve any very serious addition to the consumer's burden for the quantity of goods imported from countries other than the United Kingdom or Japan has in the last three years never reached 5 per cent. of the total imports, while the value of goods imported from these countries in the last three years has varied between 7-3 and 6-8 per cent of the total value of imported piece goods."

## The Indian Military Academy

### Inauguration Ceremony

In formally opening the Indian Military Academy at Dehra Dun on the 10th. December 1932, His Excellency the Commander-in-Chief in the course of his speech observed :—

Such an institution has been long asked for and much discussed. It is an Indian institution for Indians, open to Indians of all castes and creeds, and paid for by Indians, and I am most anxious that representative Indians should see it themselves, and give us the opportunity of showing them that we, Army authorities, are determined to make it in every way worthy of the Indian Army—and that is a high standard—and in no way inferior to the corresponding institutions in England.

Indian politicians here to-day know that there has been a strong and persistent demand for an Indian Military Academy ever since self-Government for India emerged from the clouds of pious aspiration on to the firmer ground of an accepted policy. The so-called Skeep Committee recommended that an Indian Sandhurst should be started in 1933. Events have moved more quickly than they anticipated and we have been able to ante-date that by one year ; and to-day you see for yourselves hopes translated into facts.

We had to start this Academy at a most inopportune moment, during the greatest world-wide financial crisis of all time, and the prospect of having to find money to build it filled me, I confess, with gloom. We have therefore been fortunate in being able to make immediate use of the buildings you see to-day, situated in a most convenient locality, with water and electric light already there, and providing the necessary military atmosphere, at far less cost than if we had had to build ourselves, from the beginning.

The buildings you see here to-day are only half of what the Academy will eventually consist of, but they are sufficient for the needs of the moment, and we shall show you to-day what we propose to do in the future, when the numbers reach their full complement of over 230 cadets.

It is only natural, at this stage of Indian history, when she is more than half way to the goal of responsible government in other spheres, that some would be dissatisfied with the progress we have made towards the time when she will stand on her own feet in matters of defence. It is a mere platitude to say that there can be no full responsibility until that happens. That is an inescapable fact; but quite a number of people appear to think that that goal could be reached in a very short time if we who are still responsible for the Government of India chose to use seven league boots. I would ask them to remember that the problem of providing for the self-government of India is unique in the history of the world, and those who are now getting down to the practical difficulties of how to translate the ideal into the actual, are finding in the process a large number of very difficult fences in front of them. If they are doing so in matters political, financial, and administrative, I can assure you that the problem of the defence of this great sub-continent is even more difficult. Knowing this, we should be criminal fools if we took hasty steps forward without being quite sure that each last foothold was firmly fixed on the rock of efficiency. If the army in India is not up to its work, and does not command the full confidence of the people and the fear and respect of its enemies and evil doers, India would indeed be in bad case.

We began with a small experiment of Indianizing eight units, and we have in the last two years taken several big steps forward. We have more than doubled the number of units in process of Indianization, and in addition we have opened all Army, Services, and Departments to Indians, for the first time. Now we have opened this Indian Military Academy. I would also mention the very important fact that the first Indian King's commissioned officer has been admitted to the Staff college. I now address myself to the gentlemen cadets in particular. I welcome you as the first cadets of a purely Indian Military Academy. I also welcome the gentlemen cadets from the Indian States.

With the federal idea before us, it is just as important that the officers of the State Forces should be highly educated as it is in the case of those in British India. I now impress upon you, and upon the Indian officers who have already joined the Army under the new conditions during the last eight years, that India's ability to assume full responsibility for her defence, and the date by which she will be able to assume that responsibility, depend almost entirely on you, on those who have preceded you and are now officers, and on those who will follow you in this Academy. We have got the men who will serve under you in the ranks. No better material exists in the world, and they have provided it on many stricken fields; but hitherto they have been led by us, and now they are to be led by you. That great task is before you, and before those who will follow you here, to prove you are fit to teach gallant men in peace, and to gain their confidence and lead them in war.

Some of you already possess experience of the Army, and are here, with the great traditions of the Indian officer behind you, to enter on a wider and more responsible field of service. To others of you, a military life is entirely new. But to all of you, I say: Do not be dismayed at the responsibility that will rest on your shoulders. I believe you will prove you are worthy to assume it. This Academy will give you in every respect the same facilities that are given to young British officers at Woolwich and Sandhurst. I assure you now that, in this College and afterwards in the Army, you will be given willing and ungrudging help in fitting yourselves to your task. We can do no more: the rest lies with you.

May I also beg you to remember that an Army requires highly trained staff officers and leaders, and does not consist only of regimental units, and that you will have equal opportunity with British officers to enter the Staff College. It will be absolutely necessary for a considerable proportion of you to take advantage of this, if the Indian Army is to be a success.

In wishing well to this Academy, and especially to the first batch of gentlemen cadets, I venture to offer the you two pieces of advice.

Firstly, the Indian young man of education seems very attracted by politics. May I urge you to remember that politics do not, and cannot find any place in Army life? An Army can have no politics. It is the paid servant of the people and is at the disposal of the Government of the day, whatever may be the political complexion of that Government.

Once there is any suspicion that an Army, or any part of it, is biased politically, from that moment the Army has lost the full confidence of the nation who pays for it. It is no longer impartial and that way lie chaos and civil war.

Secondly, I would ask you to remember that you come here to have your first lessons in three principles which must guide an officer of a national Army, and they are: First, the safety, honour, and welfare of your country come first, always and every time. Second, the honour, welfare, and comfort of the men you command come next. Third, your own ease, comfort, and safety come last, always and every time.

I wish all success to the Indian Military Academy, and to those who are now commencing their military career within its walls.

### Life in the Academy

The Associated Press correspondent had occasion to meet one of the Gentlemen Cadets, who showed him round his "diggings." Each cadet is allotted three rooms, including a bed-room, a bath-room and a study. There is a common mess, where every one joins at meals, irrespective of caste, colour or creed. The authorities however take care that nothing is brought to the mess which might offend the religious susceptibilities of any one of the cadets. There are three libraries in the Academy.

There are forty cadets at present, eight of whom are from the non-martial classes. So far, they have given a very good account of themselves, and none can distinguish between them and the cadets of the so-called martial races. Of the cadets, sixteen are Hindus, twelve Mussalmans, eight Sikhs and four Christians. Again, fifteen have been admitted by open examination, fifteen from the Indian Army and ten from the Indian States.

The cadet is engaged in physical training till 8-15 a.m., when he takes his breakfast. From 9 a.m. to 10-15 a.m. he attends drill. Then he has to attend two lectures till 1-15 p.m., when he takes his lunch. From 3 to 5 in the evening, he engages himself in games, like cricket, football, hockey, and tennis. The cadet dines at 7-30 p.m., studies till 9-45 p.m. and goes to bed by 10-15 p.m.

There is accommodation for sixty-four cadets only, and the P. W. D. is rushing along with the work to erect more quarters for cadets, forty of whom are expected by March next. The whole course of three years is expected to cost each cadet Rs. 4,600, everything inclusive,

## India's Foreign Trade 1931-32

### OFFICIAL REVIEW

The Official review of the Trade of India in 1931-32 which was published from Simla on the 5th. October 1932 states that the year has been even more disastrous than 1930-31, a year of unparalleled economic collapse throughout the world. The disastrous fall in prices which started in October 1929 continued unabated till September 1931, when the suspension of the Gold Standard by England, India and other countries arrested the fall of prices which began to show a slight tendency to increase. This increase, states the review, is merely a reflection of the depreciation of currencies in these countries in terms of gold, while gold prices continue on the downward trend. In India, the prices of exported articles which are mainly raw materials have fallen much more in the last two years than those of imported



articles which are mainly manufactured goods. The major portion of the fall in the value of imports was due to economic rather than to political factors. Only in the case of cotton piecegoods, tobacco and certain iron manufactures was boycott partly responsible for the fall in the volume of imports.

The total value of the imports of merchandise into British India in 1931-32 amounted to Rs. 126 crores. Compared with the last year, the figures represent a decline of 38 crores or 23 per cent in the case of imports and 65 crores or of 29 per cent in that of exports. The fall in imports under the textile group amounted to six crores on a total of Rs. 41 crores recorded in 1930-31. The imports of raw cotton on the other hand, rose from 58,000 tons to 70,000, concurrently with the progressive decline under piece-goods. Next in order of magnitude was the reduction in imports under the metal group which amounted to Rs. 614 lakhs; but if along with this group are included items like machinery and mill-work, hardware, cutlery, implements and vehicles, the aggregate decline under this head comes to 14 crores. It may be of importance to mention that in spite of the general depression in this line of trade the percentage share of the United Kingdom in the total imports of iron and steel showed a slight improvement. The sugar trade remained in doldrum throughout the year, imports having declined from one million tons valued at Rs. 10,90 lakhs, to one half. Consignments of mineral oils fell from 242 million gallons, valued at Rs. 13.48 lakhs to 217 million gallons valued at Rs. 904 lakhs.

On the export side the outstanding factor was the slump in the raw cotton trade. Exports of raw cotton fell from Rs. 46 crores to 23 in value. The decline in the value of raw and manufactured jute amounted to Rs. 12 crores. Under foodgrains, value of shipments declined from Rs. 29,88 lakhs to 20,37 lakhs, although the total quantity exported remained unchanged. Tea trade had also a critical year, and this was reflected in the shipments of tea which fell by 14.7 million lbs. in quantity and Rs. 4.12 lakhs in value. There was a 5 per cent decline in quantity and 18 per cent decline in the value of oil-seed exports, as compared with last year. Exports of hides and skins decreased from 83,000 tons valued at Rs. 1,174 lakhs to 49,400 tons, valued at Rs. 892 lakhs. There was a 15 per cent decrease in quantity and a 41 per cent decrease in the value of lac exports as compared with last year. The total value of the re-exports amounted to Rs. 4.46 lakhs representing a decline of 48 lakhs, as compared with 1930-31 and of 2.47 lakhs on the basis of 1929-30.

The visible balance of trade in favour of India during the year was Rs. 90 crores as compared with 38 crores in the preceding year. Transaction in treasure on private account resulted in a net export of Rs. 55-2.3 crores as against a net import of Rs. 24 crores in 1930-31. Gold showed a net export of Rs. 58 crores and silver a net import of 2½ crores. The net exports of currency notes amounted to Rs. 26 lakhs. The heavy gold exports show that economic pressure in the country was tending to cause accumulated savings to be drawn on and some part of this gold may be called distress gold. It is also suggested that gold shipments may have been made to facilitate the export of capital. The review states that if this suggestion is correct, it means that some of the gold exports were used for the purpose of the transfer of capital from India to foreign countries.

Reviewing the rupee exchange during the year, it is stated that the difference between the highest and the lowest rates was 14-32d. the highest rate being 1s.6 5-32d. Freight rates were lower than in the preceding year. The tariff was enhanced as a result of the passing of the Indian Finance Supplementary and extending Act. Protective duties were also imposed of magnesium chloride and other heavy chemicals, wood pulp and wireless reception instruments.

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# CENSUS IN INDIA 1931

The following are extracts taken from the Abstract of the Census of India 1931 :

The taking of the 1931 Census coincided with a wave of political agitation and in one or two places a boycott of the census operations was attempted. Outside Gujarat, however, the boycott was totally ineffectual, and while the probable total error caused by this boycott is estimated at 0.04 per cent of the total population of India, it is not likely to have been less, the maximum error due to this cause may be put at 0.055 per cent. The census is carried out for the most part by the voluntary agency of the people themselves and outside Ahmedabad City there was no breakdown in the arrangements.

The area of the Indian Empire is, according to the latest estimate, 1,808,679 sq. miles. It lies between 62 degrees and 101 degrees of longitude east and between 6 degrees and 37 degrees of latitude north, thus including every variety of climate from well within the temperate zone to tropical and sub-equatorial. The annual rainfall varies from 5 inches to 500 inches so that every sort of physical feature is included and there is a corresponding diversity of flora, fauna and inhabitants. The population returned at the census is 352,837,778 showing a rise of 10.6 per cent since 1921. The number of males is now 181,628,923 and females 171,008,855 giving a proportion of 940 females per 1000 males. The variations in the population in the last fifty years are :—

## Increase (actual and percentage).

	1921-1931	1911-1921	1901-1911	1891-1901	1861-1891	1881-1931
Total	33,895,298 10.6	3,786,064 1.2	20,795,340 7.1	7,046,385 2.5	33,418,341 13.2	98,341,448 39.0
Male	17,833,363 10.9	2,656,619 1.6	11,387,111 7.6	3,162,195 2.2	16,820,329 12.9	51,879,623 39.9
Female	16,061,929 10.4	1,129,465 0.7	9,408,229 6.5	3,884,190 2.7	16,598,012 13.4	47,061,825 38.0

The mean density per square mile in the whole of India is 195 varying from a maximum of 814 in Cochin State, and in British India of 646 in Bengal, to a minimum of 5 in the Baluchistan States and 9 in British Baluchistan. The decade was one generally free from pestilence, plague or famine in India as a whole, with the result that the growth of the population has been comparable to that in the last similar decade 1881—1891, when the natural rate of increase was 9.6 per cent. The figures in the table above include the increase due to the population in areas not previously censused.

## DISTRIBUTION IN URBAN AND RURAL AREAS

The urban population is now 11.0 per cent of the total, an addition of 0.9 per cent in this population since 1921. The variations per cent since 1921 of this population in the nine largest cities are as follows :—

Calcutta (including Howrah and suburbs)	+11.9
Bombay	—1.2
Madras	+22.8
Hyderabad	+15.5
Delhi	+44.3
Lahore	+52.5
Rangoon	+17.1
Ahmadabad	+14.5
Bangalore	+29.0

In the population classified by Civil Condition and Age almost half the males and a little above one-third of the females are married, 46.7 per cent of the males and 49.3 per cent of the females are married, while 5.4 and 15.4 per cent res-

pectively are widowed. The relative proportions of the population under 15 years, aged 15 to 50, and 50 and over are 30.9, 50.5 and 9.6 per cent.

The proportion of the working population engaged in agriculture is 66.1 per cent. Those engaged in trade number 5.13 per cent, in industries 9.95 per cent and in transport 1.52 per cent. In 1921, the persons employed in mines, plantations and organized industrial establishments having 10 or more employees numbered 2,681,125, out of a total of 23,236,000 persons engaged in Mines, Industry and Transport. The total under these three heads comes to 25,005,280 in 1931 and though no general return has been obtained from industrial establishments employing organized labour it is believed that the maximum number of organized employees, corresponding to 2½ million of 1921, cannot exceed 5,000,000, and if the rate of increase be the same as in the previous decade the figure will be about 3,250,000, of which 1,553,160 are employed in establishments governed by the Factories Act.

The number per mille of the population of India aged five and over who can read and write any language is males 156, females 20, the corresponding proportions (of all ages) in 1921 having been males 122 and females 18, and in 1881 males 81 and females 3. The proportion literate in English is males 25 and females 3 per mille of 20 years and over only. The total literate population of India including children is 23,962,270 males and 4,160,036 females. The corresponding figures in 1901 were 14,680,080 and 906,341. The total illiterate population in 1931 was 156,243, 303 males and 163,364,608 females.

#### RELIGION AND LANGUAGE

There are some 225 languages, exclusive of dialects, spoken in the Indian Empire, about 150 of which are confined to Assam and Burma. For the purpose of this abstract these languages have been shown in groups of allied tongues as classified, roughly, that is, by Sir George Grierson. With three exceptions the aggregate of speakers of any one of the indigenous groups shown comes to not less than 2 millions. At least 20 different scripts are employed in writing these languages, the two most important being Urdu and Nagari; Bengali, Telugu and Tamil follow in that order in point of numbers of users; how many use Modi (the Marathi script) is not certain. For Burma the Burmese is the only vernacular script of any importance. Speakers (by mother tongue) of languages foreign to India recorded at the census of 1931 numbered 646,535, the number of English speakers being 319,312.

The proportion in the population returned under the main religions, and the variations since 1931 are as follows:—

	Proportion per 1,000 of population.	Percentage of increase or decrease in actual number since 1921.
Hindu	682	+10.4
Muslim	222	+13.0
Buddhist	36	+10.5
Tribal Religions	24	-14.3
Christian	18	+32.5
Others	18	+38.0

The number of Europeans is 168,134 (males 117,336, females 50,798) and of Anglo-Indians 136,395 (males 71,247, females 67,148). The figure of Europeans show a decrease in India proper of 10,863 since 1921 and of 3,300 since 1901. There has, however, been a rise of 3,986 persons, 1,585 males and 1,401 females in Burma since 1921. This increase is partly to be attributed to the presence of tourists in greater numbers in 1931.

**PROCEEDINGS OF**  
**THE LEGISLATIVE ASSEMBLY**  
**THE COUNCIL OF STATE**  
**AND**  
**THE PROVINCIAL COUNCILS**

**JULY-DECEMBER 1932**

# THE COUNCIL OF STATE

OPENING DAY—SIMLA, 20th, SEPTEMBER 1932

The autumn session of the Council of State opened at Simla on the 20th. September 1932 in the Council Chamber, Viceroy's House. Sir Henry Moncrieff-Smith, President was in the chair.

## NARCOTIC DRUGS

After interpellations, *Mr. J. B. Taylor* moved a resolution recommending to the Governor-General to ratify the international convention of limiting the manufacture and regulating the distribution of narcotic drugs. He said that it had long been recognised that international action was necessary to control the manufacture of narcotic drugs in order to effectively prevent their entry in dangerous quantities into India which would be harmful to the health and morals of the people. The export and consumption of raw opium in India had been regulated by the convention of 1912 and 1925 and the present one did not add to the restrictions. No cocaine was manufactured in India but alkaloids of opium were manufactured by the Gazipur Government factory. There had been always the strictest control so as to ensure that these drugs were used only for medical and scientific purposes. There was nothing in the convention which need cause anxiety as of the right to India to manufacture her legitimate requirements. The convention did not go far enough, but it did mark a definite step forward in international co-operation for the control of this illicit traffic in drugs in large quantities which despite the vigilance of the preventive staff had got into the physical and moral deterioration of drug addicts. He expected that the method of control outlined in the convention would afford a reasonable hope of ultimately strangling this dangerous traffic.

The resolution was adopted and the Council adjourned.

## GOVERNMENT RETRENCHMENT

21st. September :—The manner in which Government had acted on the reports of the various retrenchment committees was discussed to-day in the Council.

*Mr. Hussain Imam*, who raised the debate, made it clear that his intention was to focus the attention of the Government and the public on the subject of retrenchment. He complained of the unsatisfactory policy of the Government in the matter and remarked that favouritism was shown towards the high paid officials, particularly regarding the income-tax. He added that there was absolutely no justification in having a full time President for the Council of State and wanted the recommendation of the Retrenchment Committee in this regard to be given effect to.

*Rai Bahadur Lala Ram Saran Das*, a member of the General Purposes Retrenchment Committee, exhaustively quoted from the committee's reports to rebut the arguments of members of the Government that the committee had gone against the interests of beneficent departments. On the other hand, he complained that in certain beneficent departments like education where the committee had merely recommended only a few reductions, the Government had gone more and made several other cuts. He instanced the case of Delhi and Baluchistan in this connection. Further, he stated that while the Chairman of the Public Service Commission had admitted that there was no work for more than three members the Government of India had not moved at all on this question.

*Mr. Taylor*, Finance Secretary, denied that Government were dilatory in taking action on the recommendations of the committees. The total effect of all the recommendations of all the four sub-committees was a cut of 4.79 lakhs of which 4.30 lakhs had been accepted and the rest was under consideration. The Army department had effected a reduction of 4.10 lakhs as against 2.78 recommended by the Army Sub-Committee. The Government had not desisted from further efforts in this matter. A policy of ruthless economy is being pursued ever since the Incheap Committee reported and there was now no field left uncovered for retrenchment.

The resolution which was supported by the Government was carried.

## ARMY RETRENCHMENT

*Sardar Shri Jagannath Maharaj Pandit* moved recommending the extension of the system of formation of urban units under the Territorial Forces Act so that young men, specially in cities, who had the benefit of high school and collegiate

education, might take advantage of it in increasing numbers and fit themselves for entering the military service.

The *Commander-in-Chief* opposed. Speaking from experience, he said that there was not sufficient response for recruitment. For example, in Madras and Bombay recruitment was less than half of the allotted figure. He had no objection to more money being spent for recruitment because it did not come from the army budget but there must be sufficient enthusiasm on the part of the people themselves.

The resolution was withdrawn.

#### PROVIDENT FUND ACT AMENDMENT

The small private measure by Mr. *Hussain Imam* amending the Provident Funds Act sec. 5 was opposed by the Government and rejected by 17 against 26 votes. The attempts to circulate the bill were also rejected. The object of the measure was to allow the fund to be given to the nominee of the heir in certain circumstances.

#### FIVE OFFICIAL BILLS PASSED

23rd. SEPTEMBER :—Five official bills as passed in the Assembly were passed. They were bills (1) to amend the Indian Emigration Act, (2) to amend the Cantonments Act, (3) to amend the Ancient Monuments Preservation Act, (4) to amend the Trade Disputes Act, and (5) to establish committees in the principal ports of pilgrim traffic to assist the Haj pilgrims.

Lala Jagdish Prasad's amendment for the addition of a proviso to Clause 3 that no antiquities of national interest or value be taken outside India, was strongly supported by Mr. Kharpade and a few others but was defeated by 15 to 32 votes.

A similar attempt by Mr. Hussain Imam to omit Clause 5 of the Haj Bill was lost without a division.

#### DEBATE ON THE COMMUNAL AWARD

24th. SEPTEMBER :—In the Council of State to-day, Mr. *Ramsarandas* moved that "it be communicated to His Majesty's Government that in the Council's opinion the Premier's Communal Award is unacceptable to any section of the Indian communities in India and that it should be withdrawn."

Lala Ramsarandas said that the Communal Award, looked at from every point of view, afforded no evidence of the statesmanship which had characterised the dealings of the British politicians with India. It introduced a principle opposed to ideas of democracy. It separated the communities into separate sections, thus preventing effectively the formation of parties on non-communal lines. It would destroy impartiality of administration, as Ministers dependent on communal parties would have to pander to their supporters. It aimed at giving protection to minorities, but extended the principle of separate electorates to the Muslim majority in the Punjab and Bengal. It failed to make any provision for joint responsibility in the Cabinets. Muslim organisations had expressed their dissatisfaction, Indian Christians had condemned separate electorates and the Sikhs had opposed them. In no Province had the decision given satisfaction to the Hindus.

Referring to the Hindu position in the Punjab and Bengal under the Award, Lala Ramsarandas said that they were strongly opposed to separate electorates. Were it not for the Lucknow Pact of 1916, separate electorates would not have been introduced in the Punjab and Bengal. Whilst weightage had been maintained, the Lucknow Pact had now been abandoned in respect of Bengal so far as Hindus were concerned. Whilst to Muslim and Anglo-Indian minorities, a very large weightage had been allowed, the Hindu minorities both in the Punjab and Bengal had been assigned seats even less than their proportion in population.

Lala Ramsarandas examined the figures of communal and separate representation in the Punjab, and remarked that Hindu proportion of the members in the Council would be reduced to twenty-five per cent, while their population strength including the Depressed Classes was twenty-nine per cent. He opined that Muslims were now veering round to the view of joint-electorates, and therefore thought that the difference between the Muslim and non-Muslim point of view was not unbridgeable. Democracy could only succeed on the basis of nationality, without distinction of caste, creed or community.

Mr. *Bayat Khan Noor* thought that the arguments advanced by the mover were hardly convincing. An intricate problem was forced upon the British Government,

who could not have done better in meeting the demands of all the communities. It would be unfair merely to condemn the decision, when there was no alternative solution meeting with the approval of all the communities concerned. As to the Sikh position, he pointed out that the Sikhs got 18 per cent of the seats in the Central Legislature, which was fifty per cent more than what they were entitled to on the population basis. As to the Sikh demand, that no single community should form a majority in the Councils, Mr. Noor said that it was impracticable. He appealed to those who were interested in the resolution to be fair and constructive in their suggestions. They would serve their cause much better, by mutual efforts and agreement than by a mere condemnation of the Award.

Mr. Hussain Imam said that according to the League of Nations Convention, minorities were usually given more rights than the majorities. So also in India, the minorities had such rights, but he was surprised that the so-called Nationalists wanted to deprive them of the same. He referred to the days when the Swarajists were in the Councils, and said that despite separate electorates, there was no divergence of views regarding the ultimate National point of view. He pointed to the lead given by the Hindu Maha Sabha in Delhi, advocating council entry, and hoped that the future councils, under the Federation, would be of great success in working out national plans. He trusted that the British Government would modify the Award in a suitable form wherever necessary. He moved an amendment to that effect.

Mr. Bhuta Singh reminded the House that the Sikhs were much grieved by the Award and observed that it would be wrong to force the decision on an unwilling population. It must therefore be revised.

Choudhury Zafarullah Khan (Education Member) considered that the resolution was brought forward at an inopportune moment, and that the mover had rendered no service to the particular interests he had identified himself with. His Majesty's Government were asked to give an Award by the leaders who themselves had failed to reconcile their differences. How then could they blame the British Government, for not performing the miracle of producing an Award which would be entirely acceptable to every community throughout India? If the Premier's scheme was to be withdrawn as the resolution suggested, then the position would be this. No constitutional advance would be possible. Nor had Lala Ramsaran Das come forward with a scheme alternative to the Premier's scheme. It was not right to say that the Award was not acceptable to any community in India. Only this morning, there had been the agreement of the Government to the suggested modification of the Award in respect of the Depressed Classes. True, there were anomalies in the Award, but the moment the majority community tread the minority communities in a liberal and generous manner so as to win the latter's confidence, these anomalies would disappear. Separate electorate and weightage were brought in because of the lack of confidence amongst the people themselves. In Assam and the Frontier the doctrine of weightage had not been pushed so far as to convert the majority to a minority or the minority into a majority.

Lala Ramsarandas asked: What about Moslem representation in Bengal?

The Education Member: Here I do concede the objection of Lala Ramsarandas, but this is due to exigencies of the situation there. But, you can modify the scheme wherever there is a reasonable ground for complaint.

Lala Ramsarandas: That is what I want.

Chowdhury Zafarullah: Either we should work for an agreement which would alter the scheme in the way desired, or accept the scheme in the interests of proceeding with the reforms.

Proceeding, Chowdhury Zafarullah said: It is not one seat here or one seat there, which will bring about the millennium, but the manner in which those into whose hands political power is entrusted work the Constitution in order to beget the trust and confidence of those who under this system of Government, may be opposed to it.

Lala Ramsarandas expressed his readiness to accept the amendment of Mr. Hussain Imam that, instead of the Premier being asked to withdraw the scheme, it should be stated that it ought to be further amended.

Sir Frank Noyes said that His Majesty's Government were perfectly willing to modify the agreement, provided there was satisfactory agreement amongst the communities concerned. To-day's statement about the Depressed Classes showed the bona-fides of the British Government in this regard. H. E. the Viceroy and the Leader of the House in the other place, and Mr. Chowdhury Zafarullah in this,

Council, had appealed for getting on with the business in a spirit of mutual goodwill. Let them therefore accept the scheme as it stood in that spirit, and go ahead with the task of constitution-making in the right spirit.

Lala Ramaswandas desired that a copy of the debate be sent to the British Government. Sir Frank Noyce agreed to this. Thereupon, Lala Ramaswandas withdrew his resolution.

#### INDIANISATION OF PORT TRUST SERVICES

**26th. SEPTEMBER:—**At the meeting of the Council of State to-day, Sir Phiroze Sethna moved a resolution urging the Government to adopt more effective measures to secure a substantial improvement in the matter of Indianisation of the services under port trusts to an appreciable extent. He prefaced his remarks by saying that he had moved a similar resolution in 1922 and placed before the House the grievances under which Indians were suffering in the matter of appointment in port trusts, and in spite of Mr. Lindsay's assurances that the Government had taken up the question nothing had happened to let the House think that matters had improved. Though Mr. Lindsay then recognised the justice of the Indian cause, the fact of the matter was, as the Government then recognised, that because the Indian trustees were in a minority they had a smaller say in the affairs of port trusts and in matters of appointments to the higher grades. Nearly ten and half years had elapsed since Mr. Lindsay had made the statement in the house promising to enquire into the position; but very little had been done, so little, indeed, that they could not but believe that even in the next ten years there was going to be any improvement in the situation until the boards of port trusts were so constituted that Indians would be in a majority in each one of them or that they would be there in at least larger numbers than at present. After giving figures regarding port trusts in India and Aden, Sir Phiroze Sethna said that out of a total of 110 trustees at seven port trusts there were to-day 74 Europeans and 36 Indians, and the latter included two Burmans and one Chinese in the Rangoon Port Trust and one Arab in the Aden Port Trust.

Sir Phiroze Sethna next referred to the representation made by the Indian Merchants Chamber showing the discrepancy in the ratio of appointments between Europeans and Indians in the Bombay Port Trust, and in his opinion the reply of the Bombay Government of Aug. 4, 1932, was misleading. Sir Phiroze Sethna next mentioned the cases of several individual port trusts where there were very few Indians and said that in the existing atmosphere no Indian in any department of trust hoped to rise to the highest grades though his services were appreciated and extolled. As a matter of fact, an Indian would have to fight hard if he at all encroached on any appointment held by an European. This state of affairs, said Sir Phiroze Sethna, could only be cured by an Indian majority on the boards and not until then, and because the percentage of Indian trustees on the boards of other port trusts as compared with Bombay was smaller, the number of Indians in the higher positions in these port trusts was most disappointing. To show how European interests were better looked after in port trusts, Sir Phiroze Sethna cited the instances of the appointment of the chief accountant in the Bombay Port Trust and also how Mr. Roy was got rid of from the Calcutta Port Trust. He said it would not be necessary to multiply instances to show that because the European trustees were in a majority they were in a position to hamper the progress of Indians and were actually doing so.

After examining the figures which were laid in the Council of State to-day by Mr. Drake, Commerce Secretary showing the number of appointments held by Indians receiving Rs. 500 and upwards, Sir Phiroze Sethna said the House must realise that it was indeed a sad state of affairs and the Government of India must adopt better remedial measures. Concluding, he said that whenever Indians were given a chance they had acquitted themselves with success and as the children of the soil they had a better claim to the higher services in their own country, if suitable and efficient Indians were available.

Mr. Drake on behalf of the Government, explained that the object of the Government and that of the mover of the resolution were similar. The Government was entirely in agreement with Indianization and the underlying principle of the resolution and assured Sir Phiroze Sethna that they had gone as far as they could. The only method by which Indianization could be brought about was by appointing Indians in the lower ranks and allowing them to go to the top, which



was reached by promotion. He showed certain figures to show how statutory Indians had appreciably increased since a few years ago.

*Sir Phiroze Sothia, replying to the debate, pointed out* that statutory Indians included a large number of Anglo-Indians, and the measures of the Government were not so far effective in achieving the object of the resolution. However, he trusted that the Government would do their duty with justice to Indians.

The resolution was adopted.

*Mr. Hussain Imam* moved that the papers about the second Round Table Conference and the committees formed by the Premier thereunder be laid on the table. The House then adjourned.

#### CR. P. C. AMENDMENT BILL

**27th. SEPTEMBER :—**The Council of State to-day had before it for consideration only the Criminal Procedure Code Amendment Bill as passed by the Assembly.

*Mr. Ballal, Home Secretary*, moving the consideration of the bill amending the Criminal Procedure Code, explained its salient features and said that sec. 546 as it stood was open to very serious objection in that it enabled an accused or a complainant to delay seriously the trial of a criminal case. The bill would not in any way deprive a party to a case of the right that he at present enjoyed of moving the High Court for a transfer. If his application for transfer was found to be frivolous or vexatious he would be liable to compensate the opposite party.

The bill was taken into consideration and passed without further discussion or any alteration. The Council then adjourned.

#### ROUND TABLE CONFERENCE

**28th. SEPTEMBER :—**The House proceeded to-day to discuss Mr. Hussain Imam's resolution for laying on the table the papers about the Round Table Conference.

*Mr. Hussain Imam*, referring to federal finance, stressed that the federation should have equal power to impose taxes on all parts of India, including the States. Rights, privileges and immunities should be abolished if they were repugnant to the federal idea. He urged the representation of States' subjects in the federal legislature.

*Syed Muhammad Padsha* said the Muslim community was not prepared to make undue sacrifices for inducing the princes to come into the federation. The second Round Table Conference, though a failure on account of the absence of a communal agreement, was indirectly responsible for compelling the British Government to announce their award.

*Mr. G. S. Khaparde* said the task of evolving a federal scheme and of working it out was not as easy in the case of India as it was in the case of the United States. The Indian princes who enjoyed so many privileges and rights due to many circumstances could not easily forego them.

*Mr. E. C. Benthall* was pleased that the Liberals had accepted the alternative procedure proposed by the Secretary of State. Unlike those who were demanding hasty and undisciplined democracy, Europeans were always for ordered progress. Europeans were also not satisfied with the recommendations of the Davidson or Percy Committee reports, but they were prepared to tackle the problem so as to overcome the obstacles which lay in the way of constitutional progress. In this process he would insist upon every device that would strengthen the constitution such as the maintenance of law and order, financial safeguards, etc. Concluding, Mr. Benthall said that, like all others, the European community would reserve their final opinion to suit any altered situation.

*Choudhury Zafarullah Khan* said that under an ideal system of federation each unit should contribute to the federal purse. There were at present a diversity of circumstances between British India and Indian States. It would be premature to speculate on the precise decisions of the forthcoming conference. All outstanding questions would certainly be considered at the forthcoming conference. To a question whether in the event of federation not materialising, there would be responsibility in the central Government for British India, *Chandhri Zafarullah* replied that he hoped that the contingency of federation not materialising would not arise.

*Mr. Hussain Imam* withdrew the resolution.

## MILITARY ECONOMY

*Mr. Hussein Imam* moved that the Government should form a committee of experts to recommend a scheme for reduction in the personnel and equipment of defence forces compatible with the requirements and resources of India. He said the British War Office demands for capitulation, sea transport, insurance, etc., were unreasonable and rapacious and should not be equitably charged to the Indian estimates. He felt sorry that the Government had not yet given full effect to the Shea Committee (1922) recommendations, according to which the Indian army should have at least a thousand officers at present instead of less than 200. The speaker urged a complete revision of the Frontier policy, by which large savings could be effected. He appealed to the Commander-in-Chief, for the sake of efficiency and economy, to have full control over British Indian as well as States forces.

*Sir Akbar Khan* opposed the resolution, opining that there was no ground left for economy after the recent revision by the retrenchment committee.

*The Commander-in-Chief*, on behalf of the Government, "strongly repudiated the suggestion that the War Office and the War Council dictated the Indian military policy. 'I have been in constant communication by private letters and semi-official letters with the Chief of the Imperial Staff. In not one of these letters has anything been said with regard to the military policy of India. It is the Cabinet in England that finally decides, on the recommendation of the Committee of Imperial Defence, the policy which I have to carry out here, and the War Office has nothing to do with it.' The Commander-in-Chief drew attention to the fact that he was not only in charge of the army but also the air force and the marine force. Reference had been made to the contribution of £100 million towards the cost of the war, but this amount of money helped them only for 13 days and he asked what would have been the fate of India if instead of Britain and other allies, Germany had won the war. India would have been under the jack-boot of Germany and there would be no talk of Swaraj. Where would there be credit or commerce in India if there was no security on the Frontier, where along a stretch of 500 miles was a population of half a million mostly armed with modern rifles and against whom they had to defend and also watch the ever present menace beyond the Frontier? The Commander-in-Chief next quoted from last year's military expenditure of the United Kingdom, which, he said, came to Rs. 30 per head of the population per annum, whereas in India it was only Rs. 1½ per head. He asked if that was too much for the defence of a big country of 351 million people. At the same time he assured the House that the Government of India were making every effort to reduce the cost of the army.

The resolution was withdrawn. The Council then adjourned.

## TERRORISM IN BENGAL

**30th. SEPTEMBER :—***Mr. E. Miller* moved a resolution that the Council, while deploring and expressing its horror at the outrage which occurred at Calcutta on Wednesday evening when the second attempt was made upon the life of Sir Alfred Watson, urges upon the Government the necessity for further immediate and drastic action with a view to crushing the terrorist movement in Bengal and for mobilising the forces of public opinion to this end.

He said these outrages would certainly not frighten the Britishers out of the country and Sir Alfred Watson himself was a fine example as he had stuck to his post and in no way altered the well-considered policy of that splendid journal of which he was the able editor. Mr. Miller was not in favour of coming to any hasty decision in regard to retarding the progress of provincial autonomy in Bengal due to the recent outrages, but, however, he felt that if all other methods had failed the withdrawal of autonomy to Bengal at any rate must be seriously considered. Unless all good and loyal citizens applied their power and energy to crush this disloyalist body it would be unfair and idle to blame the Government, if they finally came to a decision that no advancement could be granted until law and order was established in Bengal. Concluding the speaker called for the courageous co-operation of all parties including the Congress for exterminating the revolutionary menace, otherwise the country would fall into a position wherefrom it would take many years to recover.

*Sir Frank Noyes* explained that the Government were fully alive to their responsibility and were already in the closest communication with the Bengal Government. The central legislature in the course of the next session would be asked to pass certain supplementary legislation and he hoped they would show no hesitation in

doing so. He also assured that the Government would unhesitatingly ask for further powers, if required. The solution lay in the creation of an atmosphere in which the youth of Bengal and elsewhere would be compelled to realise that there was nothing heroic or patriotic in such mean, cowardly and contemptible deeds with the revolver and the bomb. He hoped that members, especially those from Bengal, would come forward to create that atmosphere. The resolution was adopted.

#### ASSAM TEA EMIGRATION BILL

On the motion of Sir Frank Noyce the Assam Tea Emigration Bill was passed and the Council adjourned *sine die*.

### THE WINTER SESSION—NEW DELHI, 29th. NOVEMBER 1932

#### CHILDREN IN NON-INDUSTRIAL EMPLOYMENT

The Council of State held its first sitting of the winter session on the 29th. November 1932, when after recording the resignation of Sir Dinshaw Wacha and condoling the death of Sir Ali Imam, the Council adjourned till the 8th. December when Mr. Clow, Industries Secretary, moved a resolution urging non-ratification of the draft convention or recommendation concerning the age of admission of children to non-industrial employment, adopted by the International Labour Conference at its sixteenth session. Mr. Clow said that the application of this convention was impracticable and possibly impossible under the existing circumstances. It was not the intention of the Government that children under ten should work. If they did not work, India would not suffer. The difficulties in the way of enforcing such a convention, however, were very great. When these proposals were first mooted, the Government of India, after consulting the Local Governments, instructed the Indian Delegation to press the Indian point of view at the Conference, but despite the protest of Sir B. N. Mitra, Leader of the Indian Delegation, the Conference passed the convention by a small majority. He pointed out that in India a large number of children were employed in non-industrial spheres.

A general discussion then followed on the resolution. The resolution was passed. The Council then adjourned.

#### The Ordinance Bill debate

**12th. DECEMBER :** In the Council of State to-day, Mr. Hallett, Home Secretary, moved for consideration of the Ordinance Bill as passed by the Legislative Assembly.

Mr. Hallett appealed to the House to put the finishing touches to the work done by the Assembly after great care and by the Provincial Councils of the Frontier, the Punjab, Bombay, the United Provinces and Bengal which had passed measures to supplement the Bill. He expressed his conviction that with this Bill on the statute book the menace of Civil Disobedience would disappear, and conditions would be introduced for the proper working of the Constitutional Reforms. The powers embodied in the Bill were necessary during the present transitional period with a view to suppressing any revival or continuance of the conditions of disorder which were engendered by Civil Disobedience. The ordinary law was, by experience, found to be useless in dealing with certain dangerous forms of the Civil Disobedience movement, for example, picketing of law courts and liquor shops. Hence the provisions in the Bill to deal with those manifestations. At the same time, the provisions were tempered by the modifications made and the exceptions provided in the Bill. All the Local Governments had agreed that such provisions were useful in stopping the particular activity. The same was the case regarding unlawful associations which had to be put down confiscating their funds. As for the Press, Mr. Hallett said a stricter control was found necessary to deal with misrepresentations, calumny and abuse directed against the Government. There was a marked deterioration in the tone of the Press in the short interval when the Government did not possess these powers after the Ordinance had expired.

Mr. Hallett covered many other points traversed by the Home Member in the Assembly, particularly in relation to the possibilities of revival of the Civil Disobedience movement. He admitted that Communism had not taken a stronghold in any part of the country, but the supporters of the movement were likely to make use of any opportunity to spread lawlessness, once the movement itself was allowed to be resumed. The Bill was necessary for the working of any reforms.

Mr. M. S. M. (Punjab) supported the Bill, which, he said, was occasioned by

the activities of the terrorists themselves. The Congress was accountable for the evil of terrorism to the extent to which it had lost its noble impulses and had fallen into the hands of people, powerless to stem the tide of extremism. If India was to have ordered progress under the new Reforms, they could not safely ignore the existence of the doctrine of terrorism which was attempting to introduce the element of coercion as the ruling principle in political life. The Viceroy had worked untiringly to restore peace in India and they all had been enabled to face the future with confidence. This law was against terrorism and it rightly interfered with the liberty of action of terrorists. It was also directed against undesirable features of journalism and the Press, but did not hamper the freedom of the honest Press. The Congress doctrines of non-co-operation and Civil Disobedience had provided a fertile soil for terrorism.

*Lala Ramswarandas*, Leader of the Progressive Party said: "A retrospect of the constitutional history of India, within the last twelve years, shows that each step in political advance, is preceded by the enactment of measures which are incompatible with the spirit in which the advance is made. This indicates the existence of two schools of thought, those who want Government to be based on the wishes of the people and those opposed to the change. It appears that the second class of politicians are more assertive and for the moment carry their point. When the reforms associated with the names of Mr. Montagu and Lord Chelmsford were about to be introduced, we had that obnoxious measure called the Rowlatt Act. So strong was the opposition to the Bill when it was before the legislature of the time, that though it was passed, it never came into force. Discontent was so widespread that incidents occurred which were never anticipated by the framers of the Bill. The present Bill is another instance of coercive legislation proceeding the introduction of Reforms." Concluding, the speaker observed that he felt it his duty to advise the Government that they should not be content with superficialities but should study the situation in deeper light and devise measures which would be conducive to permanent peace in the country.

*Syed Abdul Hafeez*, supporting the Bill, expressed the opinion that the growing lawlessness engendered by the present pernicious Congress movement, gave sanction to the Bill.

*Mr. Jagadish Prasad*, opposing the Bill, thought that the legislation was unworthy of consideration by any House which loved freedom of movement, action and speech. If the Government thought that the Congress had still got influence on the people, then the remedy lay elsewhere and not in enacting Ordinances into laws. In his opinion, swift constitutional advance was the best antidote for Civil Disobedience. Such a stringent legislation, whose provisions were repugnant to modern democracy, would, on the other hand, alienate the sympathy of even the friends of the Government.

*Mr. E. C. Benthall*, strongly supporting the Bill, said that Civil Disobedience was part of a movement for the negation of freedom and for embarrassing Government. While the Government had succeeded in bringing it under control for the time being, they must be prepared to meet any contingency of its revival. The Bill was only limited to three years, and before the expiry of that period, Reforms would have been introduced. Mr. Benthall opined that the Bill was not designed to crush the national spirit nor to prevent peaceful persuasion or advocacy of Swadeshi, but was designed to allow freedom to those who were engaged in legitimate avocations to pursue them undisturbed by a minority, out to coerce and intimidate them. Every day, they were coming nearer Reforms and a spirit of constructive work was evident in the fact of the Assembly having passed the Bill and the Provincial Councils having passed supplementary Bills.

Turning to the Opposition benches, Mr. Benthall pointed out that the day was shortly coming when power would be transferred into their hands. Now, for the present, he asked them to trust the Government of the day, in the hope that the powers asked for would be used with moderation. A vote in favour of the Bill was a vote for the end of the Ordinance regime.

*Mr. Jagadish Banerjee* said: "We, the elected members of the House, are here to express to the Government the true feelings of the country. I shall be failing in my duty if I do not say, that this is a pernicious piece of legislation looked down upon by people as an unclean thing". Concluding, he asked the House to reject the Bill as it was unequalled for, unnecessary and untimely.

*Mr. G. A. Natesan* (Madras) opposing the Bill asked the government to draw lessons from the fact that the two biggest landholders, Lala Rama-

randas and Mr. Jagadish Prasad, men with a stake in the country, had condemned the legislation. The speaker quoted Dicey, and said that the Bill was against the traditions of the English law and constitution. It was also untimely in that it was being enacted on the eve of the new constitutional experiment. He alluded, in particular, to the provisions against the Press, and quoted the views of "The Hindu" and "The Justice" to show that sober-minded criticism had condemned the provisions as unnecessary. Speaking on the Bill as a whole, Mr. Natesan asked what use there was in the Viceroy being asked in India to get such a repressive legislation passed, while in England the Secretary of State was proving himself to be the greatest obstacle to all progress. He wished human ingenuity could devise a measure or an Ordinance whereby the Secretary or State could be compelled to realise the gravity of the situation and proceed rightly with the Reforms. (Applause). When were the British merchants going to give up repeating the arguments of the Government and begin to understand the root cause of the trouble in India? The root-cause was the delay in India realising her aspirations and in India being denied a real measure of Responsible Government. Reforms did not seem to be in prospect, and meanwhile this legislation would worsen the situation. Moderates in India were gradually thinking of revising their policy and Mr. Natesan urged the Government to keep themselves informed of the strength of the feeling in the country.

*Sir Mahomed Akbar Khan* (Frontier) supported the Bill, as it was aimed at removing traces of a movement designed to paralyse trade and paralyse ordered Government. He admitted that the provisions were drastic, but they were not retrograde, as they were intended to do good to the bulk of the people. In three years, they could expect a return to normal conditions. Proceeding, *Sir Akbar Khan* related his own experiences of picketing at the polling booths practised by "Red Shirts", in Charsadda, as a result of which only one vote was recorded out of three-thousand and appealed to the House to pass the Bill.

*Mr. Bijoy Kumar Basu*, supporting the Bill, held that dissuasion from enlistment in the Army and the Police, and picketing and other crimes carried on by the Congress could not be dealt with under the Penal Code. Hence the Government sought more powers under the present measure to curb those activities, which were the pet weapons of the Congress. No Government on earth and much less the alien British Government, if it really wanted to govern, could look upon the movement with equanimity. India consisted ninety-four per cent of illiterate people, and they believe that the printed word was truth. The legislation was necessary to check the dissemination of false news to such a vast population. He was gratified to find the Bill aimed against organisations of all communities who tried to disobey the law. This was not like the method employed by the Bengal Government in Chittagong, where twenty-four per cent of the Hindus alone were collectively fined Rs. 80,000. As to the argument that the wide powers under the Bill were liable to be abused, he held that at that rate all laws could be abused.

*Syed Hussain Imam* (Bihar) opposed the Bill, as the Government had not shown co-operation with the Opposition in the House, but withheld it, inasmuch as they had not thought of the joint select committee procedure over such an important piece of legislation, affecting the liberties of the people of a vast country. He was not convinced by *Sir M. Dadabhoi's* plea that the Government had shown enough goodwill. The constitution framed for the Central Government at the R. T. C. was worse than the present Constitution. If there was some element of responsibility in the Central Government, then they might have thought of considering the Bill, but not only was there no such responsibility, but on the other hand there was special emergency legislation whereby the courts would be dispensed with. The whole deal was one-sided, and his party (Progressive Party) had no option but to oppose the motion.

*Syed Padsha*, on the other hand, saw a greater prospect of a more liberal constitution, owing to the inception of a National Government. While admitting the "lawless" character of the Bill and the severity with which it would affect ordinary movements necessary for the well-being of society, he thought it unjustifiable to reject it merely on the ground that it was severe, drastic and repressive. However, he wished the provisions had been still further softened in the Select Committee. The fact that the popular Assembly had passed the measure, proved its necessity. The object of it was not to curtail freedom of speech and action, but to prevent a lawless movement which affected the natural rights and liberties of millions, without which every advancement in self government and democracy would be a sham and mockery.

*Mr. Nripendra Narayan Sinha*, opposing the Bill, failed to see its necessity while many Local Governments had already powers to deal with the situation. His own experience of the working of the Ordinances had hardened his feeling against them. He feared that this reactionary piece of legislation, if put into operation, would crush the spirit of nationalism among the people, and they would be reduced to the position of serfs. In the place of a just and judicial administration, an arbitrary and tyrannical form of Government would reign supreme. As a consequence, people would be goaded to utter despair and the Congress, which stood between the official and the assassin, would lose its hold on the people.

*Mr. Mahmood Suhrawardy*, supporting the Bill, held that the Government had no choice. Coming from Midnapore, where two District Magistrates had been murdered, he said that the Congress movement and the terrorists were responsible for this Bill, which was in the interests of good Government and the protection of the people. He pointed out that there was not a single Muslim terrorist.

*Mr. Hallett*, Home Secretary, briefly replying, laid stress on the safeguards provided in the various sections of the Bill, and pointed out that the right of appeal was not taken away. The Bill having received full measure of support, he hoped it would be unanimously taken into consideration and similarly passed.

The House divided and the Home Secretary's motion for consideration of the Bill was carried by 32 against 10 votes. The House then adjourned till the 14th.

**14th. DECEMBER** —Before lunch-hour to-day, the Council of State disposed of Clauses two to seven of the Ordinance Bill without any alteration. Most of the amendments were by Mr. Kalikar and some by Mr. Ghose Maulick, Mr. Jagadiah Prasad and Mr. J. C. Banerjee.

*Mr. Ghose Maulick* moved for an additional sub-clause providing that no court should take cognisance of an offence punishable except upon report in writing of the facts which constituted such an offence, made by a police officer, not below the rank of an officer in charge of a police station.

*Mr. Hallett*, Home Secretary, thought this addition was unnecessary and would not serve any useful purpose. The amendments were replied to on behalf of the Government by either Mr. Hallett, Home Secretary, or Mr. Bartley of the Legislative Department.

In Clause 7 relating to picketing, *Mr. J. C. Banerjee* moved for substitution of an explanation to provide that "peaceful persuasion or inducement which does not or is not calculated to involve any obstruction, violence, intimidation, annoyance or alarm to any person does not come within the purview of this section." The motion was lost.

After lunch, a series of amendments were moved by the members of the Progressive Party, but with no better fate. To clause eight of the Bill relating to parental responsibility for misbehaviour of sons, Messrs. Banerjee and Jagadiah Prasad moved amendments in order to minimise what they described as vicarious punishment.

*Mr. Ramsarandas* criticised the educational policy of the Government, and stressed the need for instruction on moral and religious lines. In clause thirteen, Mr. Ramsarandas suggested a provision to the effect that, while taking over possession of places ordinarily used for worship, the authorities should not interfere with religious observances.

The Home Secretary affirmed the Government's neutrality in religious matters and hoped the general public would have no cause to complain in this matter.

Clause fourteen relating to the Press was sought to be deleted by Mr. Ghose Maulick, who argued that the Press Act of 1931 was quite sufficient, but *Mr. Hallett* pointed out that the powers included in the Bill were not embodied in the 1931 Act.

*Mr. Jagadiah Prasad* suggested by another amendment, that before action was taken against a newspaper, there should be at least one clear warning given.

The Home Secretary said that the Government's usual practice was to give warnings, but there might be cases in which the articles published were so objectionable, that they could not run the risk of waiting till such warnings were issued. Personally, he (Mr. Hallett) was satisfied that the instructions given to the District Magistrates soon after the deputation of Indian Journalists met Lord Irwin were

satisfactorily observed. He would however remind the Local Governments on the subject of giving warnings before taking action.

*Mr. Ghose Moulik* opposed the retention of clause sixteen relating to the Press but the clause was adopted by 29 against 10 votes.

The last few amendments to the Bill related to the duration of the measure.

*The Home Secretary* pointed out that three years was a reasonable time.

The amendments were rejected.

There were only very few speeches on the motion for the third reading.

*Mr. Kaliber* objected to the measure, which affected personal liberty and private property, and which curtailed the powers of the judiciary, and widened the powers of the Executive. There was no rebellion in India.

*Mr. Hages Khan Noon*: Only riots and murders.

*Sir N. Choksey*: The Congress has declared a war upon the Government.

*Mr. Kaliber*, proceeding, objected to gagging the press and feared that any further exacerbating of public feelings, would recoil on the heads of them all.

*Lala Ramaswandas*, Leader of the Opposition, pointed out that, on the motion for the second reading, only seven elected members had voted for the Bill, while nine elected members had voted against. Again, regarding the Press provisions nine elected members had voted against the Bill. He feared that there was an impression in the public mind, that this Bill was being legislated in order to meet the situation that might be caused by the threatened Taxation Bill in the budget session. The political discontent was due to the multiplicity of safeguards in the proposed Reforms.

*Mr. G. Narayanaswami Chetti* supported the Bill, which he pointed out was required by Bombay and other provinces, in view of lawlessness that prevailed there. The Assembly having gone carefully into the matter, it was right that the Council should support it, especially as it ensured the safety of persons and security of property.

*Sir N. Choksey* (successor of Sir Dinshaw Wacha) brought to the notice of the Council the conditions in Bombay consequent on the so-called peaceful picketing, and said that the effects on trade and commerce had been disastrous. Why were drugs shops picketed? The speaker believed that the Bill was not repressive, but was beneficial and that it would put heart into the people for protection of their person and property. (Applause).

*Syed Mahomed Fudsha*, leader of the Independent Party, welcomed the measure, as it would protect personal property. By this Bill, the new Government would be free from the embarrassment with which the present Government were faced. The legislators, by passing it, would be doing a service not only to their constituencies but also discharging their duty to posterity.

*Mr. Mushir Hussain Kidwai* saw no use in wasting breath, as the Government considered them all as suffering from dotage. Were they in the Council only to pass reactionary measures? What was the use of passing such measures? Let the Government remember the fate of the Czar.

*Sir Fazl-i-Hussain*, Leader of the House, expressed surprise at *Mr. Mushir Hussain Kidwai's* speech, when the Opposition for the first time had mustered ten votes. It was to vindicate the right of safety of person and property, that the Bill was promoted. Despite the amendments moved by non-officials, there was a large measure of support to the Bill as a whole expressed in the Council.

*Lala Ramaswandas* had referred to the safeguards that were provided in the constitution at the Round Table Conference. Were those safeguards more in number or in stringency than the safeguards evolved by the Indian leaders who were deliberating for weeks in Allahabad? On the other hand, they were less and milder than those evolved at the Allahabad Conference. As for the reference to the Governors becoming autocrats under the reforms, *Sir Fazl-i-Hussain* said that those safeguards were not greater than those which certain minority communities in the Punjab and Sind claimed they must have. It was no use their attributing to others what really was the result of their own Karma. (Applause).

A voice: Do you believe in Karma?

*Sir Fazl-i-Hussain*: Whether I believe it or not, I think it works in its own way. As for picketing, my friends seem to have forgotten how under peaceful picketing many have suffered in Amritsar.

*Lala Ramaswandas*, interrupting, informed the House that the Progressive Party was against picketing.

*Sir Fazl-i-Hussain*: That only shows the great amount of support which the

Bill has received not only elsewhere, but also here. Unanimity has prevailed here as in the other legislatures of the country. You can go home and tell your constituents, that the Bill has been passed. That would be a message of hope and goodwill (Here Sir Fazl-i-Husain was imperfectly heard). It would bring peace to those who have suffered under the defiance of the law. The law would be applied in a lawful manner only.

The Bill was passed without a division and the House adjourned.

#### The Ottawa Tariff Bill

15th. DECEMBER :—The Council of State held a brief sitting to-day when the Ottawa Tariff Bill, as passed in the Assembly, was presented.

*Sir Fazl-i-Husain*, Leader of the House, announced that the Council would meet the next day to dispose of the Bengal Terrorist Bill. As for the Ottawa Bill, certain members wanted it to be taken up on Monday. He said that the Government had no desire to rush the matter through, and if it was the wish of the House, then it would be taken up on Monday.

The President asked *Lala Ramasarasdas*, Leader of the Progressive Party, if he had any objection to discuss the Ottawa Bill on Saturday and to consider it clause by clause on Monday.

*Lala Ramasarasdas* had no objection and the President consequently adjourned the Council till the next day when the Bengal Terrorist Bill was taken up.

#### The Bengal Terrorist Outrages Bill

16th. DECEMBER : The Council of State, to-day, passed the Bengal Terrorist Outrages Supplementary Bill without a dissentient voice, all the speeches being in support thereof.

*Mr. Jagadish Prasad*, at the outset, raised a point of order, that the Bill was not properly and legally laid on the table of the House, as under the legislative rules, no Bill passed by one Chamber should be laid on the table of the other House on the same day, but only on the next meeting day. He raised the point of order now, so as to avoid questions as to the legality of this measure in any court of law.

The President, while admitting that there was some force in the point raised, pointed out several occasions in which such a procedure was followed to suit the convenience of the members. The Chair was prepared to rely on the practice hitherto adopted in applying Rule No. 25, and held that in the present case the Bill was legally laid on the table.

*Mr. Hallett*, moving for consideration of the Bill, explained the features of several clauses in the Bill, emphasising in respect of clause five that it was intended to expedite trials. The terrorist movement was directed not merely against the present Government or for changing it, but aimed at a revolutionary change, by the most violent methods, in the whole system of society as it existed in Bengal. It would be a serious menace not only to the Bengal, but also to the rest of the public. Opinion was being mobilised. The quartering of troops in East Bengal had a reassuring effect on the population. Private individuals were exerting in mobilising public opinion. Still the Government and their officers should be armed with powers to deal with misguided youths who believed in the bomb and the revolver.

*Mr. J. C. Banerjee* supported the Bill, which, he said, was necessary to suppress terrorism which stood in the way of India attaining Dominion Status. The Council should have no sympathy, direct or tacit, with the terrorist movement, which had done incalculable harm, or with the terrorists who were enemies of the country and the State. At the same time he wanted the Government not to strike terror in the hearts of people by harsh measures for that would only prolong the discontent in the land.

*Mr. B. K. Bose* quoted from the speeches of *Mr. Hussain Imam* and *Mr. G. A. Natesan* made in the Simla session, and asked them to redeem their pledge of support to measures to put down terrorism. He wondered how *Mr. Natesan*, with those views, could have opposed the Ordinance Bill.

This drew forth a spirited protest from *Mr. Natesan*, who pointed out that the Ordinance Bill was aimed not only against terrorism, but against Civil Disobedience movement and even against the Press and hence his objection to the Ordinance Bill. The present Bill being confined to dealing with terrorists, he was glad to sup-



port it. He was surprised that Mr. Basu, instead of correcting the men of his own province, who were responsible for terrorism, was trying to correct others. He trusted Mr. Basu would rest in peace, now that he (speaker) supported this Bill.

*Mr. Lala Ramswarandas*, Leader of the Progressive Party, supported the Bill, and pointed out that opposition to the Ordinance Bill was as to the methods that were adopted to put down the Civil Disobedience movement.

*Mr. Benthall* expressed, among others, his appreciation of the officers who, with the help of the local people, were endeavouring to combat the movement.

The Bill was read for a second time and there were no speeches on the clauses. The Bill was then finally passed. The Council then adjourned.

#### The Ottawa Tariff Bill Debate

**17th. DECEMBER :—**The Ottawa Tariff Bill, as passed by the Legislative Assembly, was subjected to a general discussion to-day, in the Council of State.

*Mr. Drake*, Commerce Secretary, moving that the Bill be taken into consideration, occupied forty minutes, explaining the genesis of the Trade Agreement and the advantages to Indian trade in the United Kingdom market under the preference proposed, while the protection given to Indian industries, he declared, would remain unaffected. Mr. Drake referred to the far-reaching changes which took place in Britain's tariff policy in March last, which was followed by the Ottawa Conference where the Government of India Delegation entered into an agreement with the United Kingdom, embodying certain tariff preferential arrangements with Britain and the non-self-governing colonies, protectorates and mandated territories. No agreement was made by the Government of India delegation with the self-governing Dominions like Australia, Canada etc.

After referring to the categories of goods included in the Agreement, Mr. Drake explained the broad principles which must influence the judgment of the House. The potential value of a preference on any commodity should not be judged solely by the test, whether it was likely to lead to an immediate increase in the export trade. Regarding commodities like linseed, there was great reason to hope for a substantial improvement in trade. If India elected to remain outside the scheme, she must expect to lose at least a large proportion of market she now held. That risk she could not run in these days of a universal scramble for lowering prices in order to capture the market. There was the further prospect of an increase of the trade and tea, while as regards wheat, though there was no immediate chance of an increase in exports, there was bound to be an increase in cultivation, leading to a gradual increase in the export trade. Lastly, the effect of the preference on India would be definitely to encourage the manufacture in India of vegetable oils, coir-mats and coir yarn as also cotton goods and cotton yarn.

Mr. Drake emphasised that the terms of the preference did not affect the interests of the Indian manufacturer nor that of the Indian consumer or tax-payer. The Government of India were also convinced that the revenues would not be injuriously affected by the preference. Certain classes of goods had been exempted from the scope of the preferential agreement, and the duties had been so adjusted as to help industries connected with raw silks, hosiery, woollen manufactures and lubricating oil.

*Sir Maneckji Dadabhai* asserted that the Bill would not interfere with the present tariff policy of India, and that it was not opposed to the principles laid down in the report of the Fiscal Commission, of which he himself was a member. In regard to cotton and steel, the Delegation had reserved their judgment till the report of the Tariff Board was out, and in doing so, had shown their cautious and guarded attitude. In regard to the contention that Indian trade would be only diverted to Empire channels by the Agreement, and would not expand, Sir Maneckji stated that the trade of India or of the world was not a rigid and fixed quantity. It was capable of expansion and would expand by extension of the Empire market which would, in its turn, lead to a greater purchasing power of money for India.

The speaker claimed that the schedule of preference granted would not diminish the value of the protection enjoyed by Indian industries. The Agreement was not an unilateral one, but was based on the policy of reciprocal preferences.

With regard to cotton, the speaker said that they could not ask for preference when the total exports from India to the United Kingdom were only 7½ per cent of the latter's total imports. It rested with Indians to improve the yield and quantity of Indian cotton, the responsibility for which did not lay on the shoulders of the Government. In the scheme for the export of wheat between the Colonies and the Uni-

ted Kingdom, India had not been left out. The tea industry, which employed a large amount of Indian labour and capital, would benefit by the preference. As a matter of fact, the agricultural industry had everything to gain from the Agreement. He would advise the House to ratify it, even at a sacrifice for that would be a gesture of goodwill to the Commonwealth of Nations, of which India was a proud member.

*Mr. Jagadish Chandra Banerjee* opposed the Agreement, as in his opinion, it would not help India economically. He asked the Government to give a guarantee that the passing of the Bill would better the economic condition of India. From the economic point of view, it was England that would gain by the preference, and not India. India would gradually lose her markets for raw materials in friendly countries like America, Germany, Italy etc., which might be compelled to adopt retaliatory measures.

Examining commodity by commodity, *Mr. Banerjee* refused to accept the argument that Indian Tea would suffer if the Agreement was not ratified. As for jute, India's export was 94 per cent to countries other than the United Kingdom. The jute industry and trade would not suffer if India was not a party to the Pact; rather the acceptance of it might adversely affect the traders in India. Similarly, the Agreement was of no avail regarding cotton and rice. After dealing with the imports, including iron and steel and aluminium, the speaker concluded by saying that the burden on the Indian consumer would be particularly heavy.

*Sir Akbar Khan*, supporting the Agreement, pointed out that there would be no alternative open to India in the face of the new import duties proposed by England. She had to choose between entering into the Agreement or losing her markets throughout the Empire. Under the Bill, a definite time-limit had been agreed to and the Assembly could terminate it at any moment. He hoped that everything would turn out all right in due course. In his opinion, these preferential duties would bring new foreign markets to agriculturists for their products.

*Mr. Jagadish Prasad* had no doubt left on his mind that the agricultural classes, which formed the back-bone of the country, would not find themselves in any better position by the Agreement. For instance, the Indian exporter of wheat, with the unfavourable railway freight, was not likely to compete successfully with Australia and Canada in the Empire markets. The position was unlikely to improve in regard to cocoanut, ground-nut and other vegetable oils. He claimed that the Agreement would cause a further decline in the Indian price level, and would therefore be detrimental to the interests of the agriculturists. He advised the Government to wait for the introduction of the Reforms, when India would be in a position to enter into a trade agreement, having attained the position of an equal partner in the Empire.

*Mr. Suhrawardy*, on the other hand, urged that India should join hands with the most influential commercial group in the world. He welcomed the Agreement, especially because it would result in a trade revival in Bengal, and would better the position of his own community in that Province. The Agreement would not check the progress of trade, and there was hardly any fear of retaliation from countries outside the Empire. He pleaded for acceptance of the Agreement, which opened a new chapter in the history of Indian trade and commerce.

*Mr. E. C. Benthall*, on behalf of the Bengal Chamber of Commerce, gave unstinted support to the Pact. He appealed to the members not to let individual interests to stand in the way. As the representative of an Association which employed one million and three hundred thousand employees, excluding miners and tea labourers, he supported it with eyes open, not as beneficial to their own industries but in the larger interests of India. He also supported it, on behalf of those of his constituencies who imported a large quantity of continental goods.

Proceeding, *Mr. Benthall* alluded to *Mr. Banerjee's* opposition, and said that this was the first time in the history of economic legislation in India, that proper consideration was given to the interests of the eastern provinces. If they throw out the Bill, they would be faced, so far as the tea industry was concerned, with the collapse of the same and a considerable fall in revenue for Bengal on the one hand and unemployment of tea labourers on the other. From his own experience in Bengal, he said that the Agreement would be beneficial to jute. He believed that the opposition to the bill was almost entirely political, based on the principle of opposition to the Government. This might be good politics, but it was bad business.

*Dewan Bahadur G. Narayanaswami Chetti*, supporting the bill from the view-

point of the agriculturist, said that the measure would be beneficial. He was glad it was being enacted without waiting for the new constitution.

*Lala Ramsarandas*, placing the Punjab view-point before the House, stated that the Agreement would not stimulate exports of wheat and cotton. The Indian wheat-producer could not compete with Australia in the Indian market, much less with the United Kingdom. The ratification of the Agreement would alienate the sympathies of Japan, which was the biggest purchaser of Indian cotton. He wanted the Government to state why no preference was secured on cotton seed, rupees five crores worth of which was exported every year to the United Kingdom. He also wanted information as to why the Provincial Councils, nearly all of which were in session, were not consulted. This demand of his was based on the ground that Industries being a Transferred Subject, it was only the provinces which could pronounce judgment whether the Agreement would be beneficial to Indian industries.

*Lala Ramsarandas* held that the Delegation and the Government had failed to realise that the exports of Great Britain were on the decline, especially exports to India, and that the Agreement was likely to stimulate British imports into India even to the detriment of the consumer. The Government would be well advised if they referred the Agreement to the Tariff Board to examine the likely repercussions of retaliation from non-empire foreign countries on Indian trade, as also its effect on Indian Industries. In conclusion, he said that Sir Samuel Hoare was, by his utterance, alienating even moderates from the Government, and making the Government of India look helpless before the world.

*Mr. Benthall* : Political reasons.

*Lala Ramsarandas* : I assure the gentleman, Sir, I am opposing this agreement purely for economic reasons.

*Sir Joseph Shore*, Commerce Member, at this stage, explained that there was nothing in the Agreement to prevent protection. He pointed out that 55 per cent of the imports were unaffected by the scheme. Of the remaining 45 per cent, 22 per cent related to cotton piecegoods and iron and steel, about both of which the Tariff Board would report. Of the balance of 23 per cent imports, half came from the United Kingdom, and the rest from foreign countries. Experts had calculated that the preference embodied in the schedule of rates would not alter the revenue position very much, one way or the other. As for diversion of trade, the Commerce Member repeated his statement that, with any increase in trade with Britain, there would be increase in the purchasing power, and there would be set in motion forces which would widen the markets. Even the most severe critics of the Agreement had admitted that India's interests would definitely suffer if the Agreement were rejected. Let it be noted that under clause fourteen, India could revise her opinion, if experience showed that the Agreement was not in the interests of the country.

*Mr. Syed Abdul Hafeez*, being particularly interested in jute, wanted a special committee to be appointed to examine the question. He was not sure if the Agreement would in itself solve the question of prices, and appealed to the Finance Secretary to see that the balance of trade remained in favour of India. *Mr. Hafeez* believed that the Agreement would lead to expansion of Indian trade and requested the Government to see that primary producers, who to-day did not get a living wage, gained by the Agreement.

*Mr. Mehr Shah* observed that from his conversations with business men and experts, he was convinced that the Agreement would be in the best interests of India.

*Mr. Mahomed Din* regretted that preference had not been extended to cotton, but asserted that, taken as a whole, the balance of advantage from the Agreement would be in favour of India.

*Mr. Hussain Imam* complained that the Council was not consulted at any stage of the Agreement. While not doubting the honesty or ability of the Indian Delegation, he could say that they were not fairly treated as delegates. All the other British Colonies received an invitation to attend the Conference long before India received one. The Indian Delegation could have gone to Ottawa with greater preparation, and that could have helped them to produce a better agreement than the present one. India's greatest need was not preference, but increased prices for her commodities.

The speaker deplored the non-co-operation of railways and shipping companies with industries in India. If there was a better understanding between them, India could under-sell her produce, as the cost of production was the lowest in India. If

the Government were sure of benefits accruing to India, then why were they afraid to disclose them? After following the proceedings in the Assembly, he was led to believe that, in respect of the Agreement, it was more like a mutual admiration society than a businesslike body.

Proceeding, Mr. Hussain Imam ridiculed the inclusion in the preference list of articles like ground-nut oil, sesamum oil, etc., of which England purchased little or no quantity. Referring to Sir M. Dadaboy's reference to the Fiscal Commission's report, the speaker doubted if the doctrine that the Secretary of State should not interfere in matters in which the Government of India and the Legislature agreed, would be applied in all cases. Concluding, he asked the Government to place all the materials before them. Then, it might be possible that those who opposed the Agreement, might be converted to the Government view-point.

Mr. Drake, acknowledging the general support, confessed that he failed to see any real reason behind the doubts as to the advantages that India would get under the Agreement.

The motion for consideration was adopted, and the Council adjourned till the 19th.

19th. December :—Altogether, there was 12 amendments to the Tariff Bill on the agenda of the Council of State to-day.

Mr. Jagadish Prasad by an amendment suggested that the Bill should come into operation after the new constitution. The rest of the amendments were tabled by Lala Ramsaran Das, generally aiming at a reduction on the rate of duty by 5 per cent on such goods as, bicycles, metals other than iron and steel (particularly aluminium), motor cars and motor omnibuses and films. All the amendments moved were either rejected or withdrawn.

Sir Alan Parsons opposed all the amendments of Lala Ramsarandas, on the ground that they would affect the revenues.

As for Mr. Jagadish Prasad's amendment, Mr. Drake wanted the House to respect the terms of the Agreement, which was between two parties. It was an impossible position to take when they argued that, while India would derive benefit, the other partner to the transaction must await the new constitution. Regarding cycles, Lala Ramsarandas was told that a reduction in the rate by 5 per cent would result in a loss of revenue of about Rs. 5 lakhs. As for motors, Lala Ramsarandas argued that it was no longer a luxury, but a necessity.

Mr. Hussain Imam argued that a lowering of the rate of import duty would result in greater purchases, and consequently an increase in revenue.

Sir Alan Parsons did not agree with Mr. Hussain Imam and stated that the Government were carefully watching the effect of the recent surcharges on the existing customs duty, more particularly their effect on the import of cars and lorries.

Lala Ramsarandas pressed his amendment which was rejected, 11 voting for and 27 against.

As for motor omnibuses and the film industry, Mr. Drake pointed out that the Government would watch the position after giving preference by a reduction in the duty.

Mr. V. V. Kalikar, speaking on the motion for third reading, referred to the principle laid down since the days of Lord Curzon and endorsed by the Fiscal Commission, that any scheme of Imperial Preference would not be in the interests of India. This view was also supported by Sir Geoffrey Corbett. Examining the report as a layman, the speaker held that the Indian producer would not like always to depend on foreign markets for his produce, but would much rather like his raw materials to be consumed within the borders of India. The economic prosperity of India lay not only in expanding the production of raw materials, but also in industrial regeneration. England took but a portion of India's exports of raw products especially in respect of cotton, oilseeds, rice etc. Therefore, the rejection of the agreement would have no adverse effect on her export trade. On the other hand, the Indian consumer would be still further taxed by way of increased prices for the imported articles. India stood to lose if the Agreement was ratified.

Mr. B. K. Baru said that the subject had been fully discussed by the Legislature as well as by the public. He particularly referred to the speech of Sir Atul Chatterjee, head of the Indian Delegation at Ottawa who had remarked that the

participation of India in the Imperial Conference was a distinct advance in her position. Concluding, Mr. Basu pointed out that the acceptance of the Agreement by the Assembly had already strengthened the hands of those at the Round Table Conference, and he had little doubt that in the near future, India would be one of the equal partners of the British Commonwealth.

*Mr. Hussain Imam* deplored that Indian Commerce was not consulted beforehand. At present, the Government neglected India's export trade, as it did not give any direct return. The Government ought to change their angle of vision now and take intensive measures to expand the export trade. He asked for a committee of the Council to watch the working of the Agreement. He wanted that the Government should make efforts to reduce shipping and railway rates in order to bring down the cost of production. The Government must do everything, as a National Government, to promote India's interest; otherwise the Ottawa Agreement would fail.

*Mr. N. N. Sinha* observed that the Bill was being forced on India in a manner similar to the Eighteen Pence Ratio. He held that the question of retaliation was more real than in the time of Lord Curzon, and that the interests of a large number of people were being sacrificed for the sake of a few.

*Mr. Mehta* claimed that the Ottawa Agreements were entered into with a view to improving the commerce and trade of the world, and that their success or otherwise could only be proved by giving them a fair trial.

*Mr. Benthall* referred to the supplementary Trade Agreement and appealed to the Government to keep a careful watch, so that an equal chance was given to all importers of steel and that no monopoly was created under the Agreement. He was inclined to believe that there would be immediate benefit from the Agreement to wheat and cotton, but with the population and local demand remaining the same, there was bound to be surplus wheat in the country, which would need the preference granted under the Agreement. He requested Lala Ramsarandas to lend his assistance for stimulating the export of cotton from India.

*Lala Ramsarandas* asserted that the safeguards devised by the Special Committee of the Assembly would be wholly ineffective in practice. He referred to the Sukkur Barrage, from which alone an additional yield of one million tons of wheat would be forthcoming. He held that the preference granted under the Agreement would not benefit India and would be wholly ineffective in the matter of wheat and cotton and oilseeds. Lala Ramsarandas said that none was opposed to giving a fair trial to the Agreement, but their past experience indicated that, once legislation was enacted, it would be almost impossible to amend or repeal it. He wanted to know whether, if the Agreement was found to be detrimental to the interests of India after a year, the Government would initiate legislation for its termination.

*Mr. Jagadish Prasad* said that, if there was ever a need for the Council acting as a revising Chamber, it was on the present Bill. The Assembly had been bluffed and had been hasty in ratifying the Agreement. He was glad that none from the Council went to Ottawa and that the odium of posterity would fall on what they called the "popular House."

*Sir N Choksey*, lending his support to the Bill, urged that the Agreement should be given a fair trial.

*The Hon'ble Mr. Drake*, replying to the debate, pointed out that the Indian Delegation was, by far, well-equipped in Ottawa. (A member of the Progressive Party : Question). He assured the House that the Government had not the slightest intention to ignore the Council in the matter, and promised that there would be a Committee of the Council to watch the operation of the Agreement. He could not assess for the present the result of the Agreement, which could be done after one year. He hoped that within a very short time, even those members who opposed it now, would find that the measure was in the interest of India.

The Council adopted the Bill without a division and then adjourned *sine die*.

# THE LEGISLATIVE ASSEMBLY

OPENING DAY—SIMLA, 5TH. SEPTEMBER 1932

## Viceroy's Opening Address

The autumn session of the Legislative Assembly was opened by H. E. the Viceroy in Simla on the 5th September 1932. The Viceroy surveyed the situation in India in its varied aspects and announced a change in the procedure for constitution-making which was outlined by Sir Samuel Hoare in his speech in the House of Commons on the 27th June and which had resulted in the withdrawal of co-operation by the Liberals and other moderates. The following is the text of His Excellency's speech :—

"Gentlemen—It is my privilege to extend once again a welcome to the Hon'ble Members who are about to enter upon the labours of another Simla session.

Many questions of importance will come before you, and I trust the results of your deliberations may prosper the best interests of India and the Empire. I think I can truly say that, since I arrived in this country some 18 months ago to take over my important duties and responsibilities, we have passed through a period of almost unexampled difficulty, both from an economic and administrative point of view. But at the same time, in close co-operation with His Majesty's Government, we have been constantly working and moving steadily forward towards the goal of Responsible Government.

To-day it is my duty, as the head of the Government of India, to give the Hon'ble Members an account of our stewardship during the past few months, and also some words of cautious encouragement and hope with regard to the outlook for the future.

The relations with the foreign States situated on the frontiers of India continue to be of a cordial character, and I am glad to be able to inform you that the situation on the North-West has also caused my Government very little anxiety.

## AGRICULTURAL RESEARCH

As I mentioned on the last occasion upon which I addressed you; the Imperial Council of Agricultural Research has been steadily pursuing its useful work in matters agricultural. No doubt, its activities have been affected to some extent by the prevalent financial stringency which reluctantly compelled the Government to suspend for the year 1931-32 its annual grant of Rs. 5 lakhs to the Council for research work. I would, however, like to assure the Hon'ble Members that this purely temporary suspension of the grant does not, in any way, mean that the Government of India have changed their previous opinions in regard to the importance of agricultural research to this country in general and to the fact that the need for a central institution to co-ordinate and direct research remains as great as ever. We hope that it will be possible, before long, to restore the grant in question. It is gratifying, indeed, to note that Indian States are one by one coming forward to become constituent members of the Imperial Council. The notable example of His Exalted Highness the Nizam of Hyderabad was followed by the Government of His Highness the Maharaja of Mysore in 1931, and only recently the Government of India have agreed to the proposal of the Government of His Highness the Gaekwar of Baroda to join the Council.

The Hon'ble members will remember that, as a result of the recommendations of the Sugar Committee of the Imperial Council of Agriculture Research and of the Tariff Board's Enquiry that followed, the Sugar Industry Protection Act was passed in April last. The impetus which the protection has given to the industry may be gauged from the fact that about 24 sugar factories have been or are about to be set up in Northern India in the current year and more are expected to follow. There is considerable scope for the expansion and development in the Sugar industry in this country both on the agricultural and the manufacturing side. My Government fully realise the value of research in this connection, and it is their declared intention to assist this development by provision of funds to the Imperial Council for sugar research.

## LOCAL GOVERNMENTS' MEASURES TO RELIEVE RYOTS

The Hon'ble members will recollect that in September last and again in February of this year, I referred to the adverse economic conditions which afflict the Indian agriculturists. Since then, there has been some improvement in the situation, but the position is still abnormal. Agricultural prices continue low and such increases as have occurred leaves the level much lower than that to which the agriculturist has been accustomed. There is dearth of money and slackness of trade. Only a world revival can give the requisite stimulus to a substantial improvement in this country.

Meanwhile, Local Governments are making strenuous efforts to provide such relief as lies in their power. They have had full resort, wherever necessary, to the suspension and the remission of land revenue and to a reduction of rent. They have made liberal advance of agricultural loans. Some of them are also contemplating or exploring the possibilities of adopting a special measure. The Government of the United Provinces, for example, have recently set up an Agricultural Debt Committee. The Government of the Central Provinces propose shortly to introduce in the local Legislative Council a Bill to set up conciliation boards for reducing the burden of agricultural debts in that province. I earnestly trust that the measures taken or planned will afford the agriculturist the needed relief in these difficult times. The prospects of the present harvest are generally, I am glad to say, good. The monsoon is up to the present favourable and except in a few parts of the country, the condition of the crops is satisfactory. There is also some evidence that a revival of prices has begun.

During the last Delhi session, my Government introduced in the Legislative Assembly three bills relating to the Haj which are based on the recommendations of the Haj Enquiry Committee. The first of the Bills provides for the amendment of the Indian Merchant Shipping Act, 1923, with a view to improving the condition on Board the ships engaged in the pilgrim traffic, safeguarding the health of the pilgrims and minimising the risk of their becoming destitute in the Hedjaz. The second aims at the establishment of Haj Committees at the principal pilgrim ports to assist pilgrims proceeding to or returning from the Hedjaz and the third is designed to regulate the activities of professional pilgrim guides in British India and to protect pilgrims from fraud and exploitation. The bills came before Select Committees, in May and June. The Select Committee's report on the second bill will, I hope, be presented to the House this session. The other bills evoked some public criticism which have necessitated further enquiry. Until those investigations are complete and the Select Committees have reported, the bill must for the present remain in suspense.

## THE FINANCIAL SITUATION

Hon. Members will remember that when we last met there were already signs that India's credit was improving. I am glad to say that since then the improvement has been much more marked. Since April, we have floated three loans one in sterling and two in rupees, of the total amount of 58 crores, the last of which, as you are aware, was oversubscribed in about four hours though it gave a return of only  $5\frac{1}{2}$  per cent as compared with the  $6\frac{1}{2}$  per cent for the loan issued about this time last year. We have also been able to reduce our floating debt in the form of treasury bills from  $40\frac{1}{2}$  crores at the end of August 1931 to  $24\frac{1}{2}$  crores at the end of this August and to reduce the price we pay for our accommodation from about  $7\frac{1}{2}$  per cent to about  $3\frac{1}{2}$  per cent. The rise in price of our sterling securities has been even more remarkable. Our  $3\frac{1}{2}$  per cent India stock which is our standard loan, has appreciated by practically 50 per cent in the last twelve months. This improvement in our credit, is of course, largely due to the measures taken by the National Government in England, culminating in the largest and most successful financial operation of all time, the conversion of two thousand million pounds of the War Loan from a 5 per cent to a  $3\frac{1}{2}$  per cent basis. That naturally had the effect of reducing the price of money here, but it would have been unavailing, but for the increased confidence of investors both in England and in India in the future of this country, a confidence, which I fully share.

I wish I could give you as cheerful an account of our immediate financial position, but here we cannot expect any remarkable improvement until world prices improve and though there have been encouraging signs in the past few weeks of a rise in the price of our more important staples such as cotton, jute and wheat

It is too early to say that the tide had turned. It is of course much too early to prophesy how the budget will turn out but it is clear that we cannot contemplate any relaxation of that stern policy of rigorous economy in public expenditure which my Government outlined twelve months ago.

The financial position of our railways continues to cause concern. We had not been over-optimistic in our estimates as we had allowed for no additional traffic as compared with last year though we expected a crore more in receipts owing to the increased rates and fares that were introduced at various times during 1931-1932.

But the receipts of the first quarter of the current financial year caused some serious doubt upon even these moderate hopes being realised. We were over a crore or 5 per cent down in the first quarter as compared with last year, which was itself a disastrous year, and though the expenditure has been reduced by nearly three quarters of a crore, our net receipts are still nearly half a crore worse than last year. In this, of course, we are only sharing, if that is any consolation, in the misfortunes common to railways all over the world. In the first half of the calendar year, for instance, the four important British railways show a decrease of over 6½ million pounds or nearly 9 per cent of the earnings last year. Against the decrease of over a crore in our gross receipts, we have to set a reduction of working expenses mainly due to the cut in pay, but our net traffic receipts are still about 4 lakhs worse than during the last.

In spite of the most drastic economies last year and further economies this year, the morale and efficiency of the armed forces remain at a very high standard and continue in a state of readiness to meet every call upon them. Unfortunately such calls have not been lacking, not only on the Frontier, but at places nearer home. The deplorable disturbances in Bombay are a case in point and as Hon'ble Members know, my Government have recently decided, in consultation with the Government of Bengal, to send a comparatively large force to that Presidency in the endeavour to put heart into the servants of Government in the very anxious times through which they are passing, to encourage the loyal elements in the population and to demonstrate unmistakably to others the material powers of the Government. I am confident that the steps taken will be welcomed by all right-minded persons but the point that I now particularly wish to make is that measures of this kind cost considerable sums of money and, although I am aware of the continuing demands for the reduction of expenditure on the Army, there is clearly a limit below which such reductions cannot safely be made. As matters stand that limit is rapidly approaching, if it has not already been reached. I think it is well that we should remember that within the comparatively short period of twelve years, the Army Budget has been reduced by about seventeen crores of rupees.

It is with great satisfaction that I am able to announce that the Government of India are on the eve of opening their own military academy for the training of officers for army service. The first examination attracted a large number of candidates and I trust that full advantage will be taken of the facilities now provided to build up a cadre of officers for the future army in India who will worthily carry on the traditions of the past. The first batch of Indian cadets have also been commissioned in the Indian Air Force and thus another important beginning has been made.

#### INTER-IMPERIAL RELATIONS

Let me now turn for a few moments to inter-Imperial relations. An event of great importance to which I must allude is the signature at Ottawa last month of a tariff agreement between India and Great Britain. The circumstances in which my Government decided to accept the invitation of His Majesty's Government in the United Kingdom are, I have no doubt, in your minds. In the entirely new circumstances created by the departure of His Majesty's Government from their old policy of universal free trade and by the substitution for it of a tariff coupled with the grant of preference to countries within the Empire, my Government were invited to send a delegation to the Imperial Conference primarily to consider and discuss with representatives of the United Kingdom the question whether it would be in the interests of both countries to enter into a tariff agreement involving the reciprocal grant of preferences to each other's products. To such an invitation there could surely be only one reply and in accepting it, we made it clear, as you are aware, that no changes in our tariff would be made in pursuance of any agreement that might be reached at Ottawa unless the legislature were satisfied that such measures were in the interests of India. In the negotiations and discussions



which took place first in London and subsequently at Ottawa, the Indian Delegation to the Conference were given by my Government the freest possible hand and the agreement recently concluded by Sir Atul Chatterjee and his colleagues embodies only such measures as they, with the fullest possible knowledge of the facts, are confidently able to recommend for acceptance as likely to conduce to the best interests of this country. Into the details of the agreement, it would be out of place for me to enter.

Hon'ble members will have observed that as regards preferences to be given by India to the United Kingdom, the terms of the agreement recently announced state only the measure of such preference and leave open for decision the manner in which the various duties are to be adjusted. It will be the duty of my Government to place before you specific proposals regarding the manner in which effect may, in our judgment, best be given to the agreement and the earliest suitable opportunity will be taken to invite your acceptance of those proposals. I need hardly remind Hon'ble members that they will have the benefit, during their deliberations, of the presence of two members of the Delegation itself. There is, however, one feature of the agreement to which I wish to direct very special attention. We felt that on the eve of great constitutional changes, it would not be right to ask you to accept an agreement which would bind India for a long period ahead and it is primarily with this consideration in view that the agreement is so expressed as to be terminable at six months' notice by either party to it. I am sure Hon'ble Members would wish to join me in an expression of very cordial thanks to Sir Atul Chatterjee and all his colleagues for the admirable manner in which they carried through their negotiations and fulfilled their very responsible tasks.

#### THE CIVIL DISOBEDIENCE MOVEMENT.

I turn now to the political situation and the matter that I must refer to first must be the civil disobedience movement. It is well to remind ourselves how this movement came into being, for political memories are short and the public mind tends naturally to concentrate on events as they pass before it day by day rather than to reflect on the causes that have set them in motion. It is therefore worth while to recall that at a time when Mr. Gandhi with the other representatives of India was sitting in Conference with representatives of the British Parliament engaged in a joint endeavour to find the greatest measure of agreement as a basis for the new constitution, some of his professed followers in India were actively engaged in organising intensive and dangerous movements directed against the stability of Government in two provinces. These preparations had been carried to a point at which orderly Government was seriously menaced.

In the United Provinces, a movement had been launched against the payment of rent and land revenue. At a time when the rural population were feeling acutely the strain of unprecedented economic conditions, the consequences of allowing such a movement to spread—a movement which would have undermined the economic foundations of society and respect for law among a vast agricultural population—would have been incalculable.

#### AGITATION IN THE FRONTIER

In the North-West Frontier Province, an agitation, frankly revolutionary and even more dangerous to the security of the whole of India, had been developed by means of a large body of volunteers organised in semi-military fashion to a point at which further toleration was impossible. The action which my Government was eventually forced to take in order to counter these two aggressive and dangerous movements was met by the Congress by a renewal of Civil Disobedience throughout the country. When I last addressed the Hon'ble members on the 25th January, these events were fresh in our memories, and the outcome of them was still uncertain, but I said, at that time, that there could be no compromise in this matter, and that I and my Government were determined to use, to the full, the resources of the State in fighting and defeating a movement which would otherwise remain a perpetual menace to orderly government and individual liberty, and I added that there could be no relaxation of the measures in force against Civil Disobedience so long as the circumstances exist which make them necessary. That has been our policy during the last eight months, and I wish to make it perfectly clear that it is and will continue to be our policy. It is a policy that has met with a remarkable degree of success. The No-Rent Campaign in the United Provinces has died away and the Red Shirt movement in the North-West Frontier Province was rapidly

brought under control. Over the greater part of India, the mass of the population is no longer concerned with Civil Disobedience and so far as they reflect on the matter at all, there is a feeling of relief that measures have been taken which have restored a sense of security and peace. During the first two months of the movement, the number of convictions was large, amounting to over 32,000. Since then, the convictions have been steadily decreasing and many have been released either on the completion of their sentences or on giving assurances for their future behaviour. The number of those in jail is diminishing with some rapidity. The largest number in jail at any one time was at the end of April, when it amounted to nearly 32,500. The number at the end of July stood at about 24,000, and this represented a reduction during that month of some 5,000.

#### CONGRESS AND THE GOVERNMENT

I do not wish to suggest for a moment that the Civil Disobedience Movement is finished, or that it does not still remain a very definite menace against which we cannot afford to relax our precautions. The Congress is an extensive organisation which commands even outside its own ranks, a certain degree of sympathy among many of the educated classes. It is still pledged to the policy of Civil Disobedience, and is doing what it can to maintain the struggle. It would be rash to prophesy how long it will be before the Congress leaders realise, or at any rate, bring themselves to acknowledge openly that they have failed, but to us it is by this time abundantly clear that the movement cannot succeed so long as the Government maintains its existing policy.

#### PROPOSAL TO PLACE ORDINANCE ON STATUTE-BOOK.

This brings me to a consideration of the measures it has been necessary to take to secure these results. As soon as the Congress declared its intention to renew Civil Disobedience, I deemed it essential, in full agreement with my Government to take certain wide powers by means of a series of Ordinances. These Ordinances expired after six months, and as the period for their expiry approached, it became evident that we were in no position to discard the weapons with which Civil Disobedience was being fought. Accordingly, at the end of June, I issued a new consolidated Ordinance. At the same time special care was taken that these powers should not be extended to areas in which the conditions did not essentially demand them. The Consolidated Ordinance will expire at the end of the year. My Government have been considering with great care what action will be necessary on the expiry of the Ordinance. We have decided that the general law should be strengthened by the inclusion of a considerable number of the provisions of the Ordinance. We regard this measure as essential not only for the purpose of bringing to an end the present Civil Disobedience Movement, but as an insurance against the revival of any similar activities in the future. In addition to the proposal which my Government will lay before you for strengthening of the general law by central legislation, it will be necessary for the Government of those provinces in which the Civil Disobedience Movement has provided a special menace to introduce provincial legislation which will reproduce other provisions of the Ordinance which the local conditions appear to demand. We should be failing in our duty if we did not ensure, to the best of our ability, that this movement is brought to an end, and that there should be no chance of reviving it.

It is no satisfaction to my Government to be forced to propose these measures for the strengthening of the law, but we are faced with ideas and methods to which we must offer the most resolute opposition. The leaders of the Congress believe in what is generally known as direct action, which is an example of the application of the philosophy of force to the problems of politics. It is the antithesis of what we understand by constitutional Self-Government which is the policy His Majesty's Government is endeavouring to pursue in regard to India.

The fundamental idea of His Majesty's Government, as explained by the Prime Minister at the end of the Round Table Conference, is that, to the greatest degree possible, responsibility should be placed on the legislatures; in other words, the Government should be based on argument and reason and on the wishes of the people as constitutionally expressed. I do not think I do the Congress an injustice when I say that their policy and their methods are directed to securing their objects not by persuasion, but by coercion. The Government on the one hand, the mass of the people on the other, are to be forced and

intimidated into doing what the Congress consider is right. The fact that the force applied is, as a rule, not physical force, in no way alters the essential characteristics of the attitude which, at the present moment, inspires the Congress policy. Their aim is to impose their will on those who do not agree with them. The events in Bombay City have provided the most striking example of these aims and these methods, and have resulted in an interference with course of trade and the liberty of individuals to manage their own affairs and pursue their normal business, and is proving disastrous to the prosperity of the community and which the Government are bound to do all in their power to resist.

#### TERRORIST OUTRAGES

Another and more sinister manifestation of philosophy of force confronts us in Bengal. Here too we find those who are determined to impose their will on the community, but the methods they have adopted is that of physical terrorism by means of assassination and other crimes of violence. The catalogue of these outrages grows steadily longer. I need hardly remind you of the recent murders of three devoted public servants, Mr. Douglas, the District Magistrate of Midnapore, Mr. K. P. Sen, Special Magistrate, Dacca, and Mr. Ellison, Additional Superintendent of Police, Dacca, and the determined attempts—providentially unsuccessful—on the lives of Sir Alfred Watson, the Editor of the "Statesman" and Mr. Grassby, Superintendent of Police, Dacca. Apart from these and other outrages of a similar kind, a large number of dacoities are taking place, some of them accompanied by murder, which are carried out in pursuance of this movement. The movement is at present directed primarily against the officers of the Government and those who support it, but if it were to succeed, those who achieved power by this means would exercise it ruthlessly against all who opposed them. There would be an end to all aspirations for an orderly system of Self-Government. The leaders of the terrorists would be in a position to establish a tyranny supported by methods, utterly repugnant to civilised feeling, and it is a common place experience that methods often persist long after the objects they were primarily designed to secure have been lost sight of. I would therefore urge all law-abiding citizens, most strongly, not to let any feeling of sentimental sympathy, with mistaken ideas of patriotism, blind them to the terrible dangers that this movement holds for them all, and for the future of their country. The Government is determined to use all its efforts to counter this movement. And in this it can reasonably ask for the active support of all those who have their country's interests at heart. The Bengal Government are, at the present time, asking their Legislature for special powers to deal with the movement and it will be necessary for any Government to lay before you shortly a complementary Bill which will be necessitated by the passage of the local legislation.

#### THE ROUND TABLE COMMITTEES

Let me take this opportunity to review the progress of constitutional work since I addressed the Hon'ble Members last January. The second Round Table Conference left certain problems for specific investigation—franchise, federal finance and certain claims of the States. His Majesty's Government entrusted these investigations to three Committees, the Franchise Committee of which the Marquis of Lothian was the Chairman, the Federal Finance Committee presided over by Lord Eustace Percy, and the States Enquiry Committee presided over by the Right Hon. J. C. C. Davidson. The field of their enquiries was wide. The problems referred for their consideration were complicated and difficult. All the three committees set about their several tasks with an earnestness of purpose which compelled our admiration. The report of the Federal Finance Committee was published in May, and of the Franchise Committee in June. The Committee over which Mr. Davidson presided visited a large number of States, involving extensive travel, and had in addition to deal with a great mass of historical and statistical material. In consequence, its report was published only in July after the committee's return to England. I do not propose to deal with the contents of these documents with which you are no doubt yourselves familiar. The problems discussed are of the greatest importance in the task of building up the All-India Federation which it is our object to attain. I am aware that many of the issues raised are in a high degree controversial, but we can all agree that the recommendations of these three Committees are a contribution of the utmost value. They have helped us to understand the breadth and depth of some of the difficult issues which confront us, and they have indicated the

directions in which solutions may be found. I feel confident that I am truly expressing opinion the widely felt throughout the country, when I say that we are under a great debt of gratitude to those who, at considerable sacrifice of their personal convenience, served on these committees and have given us of their best in the three valuable reports I have mentioned.

#### FRONTIER AS A GOVERNOR'S PROVINCE

While these Committees were pursuing their enquiries, no time was lost on the official side with the preparatory arrangements to bring the North-West Frontier to the level of a Governor's Province. I went to Peshawar myself last April in order to inaugurate the new Legislative Council and to deliver to the people of the Frontier the gracious message addressed to them by His Majesty the King-Emperor on entering upon their new status. In my long experience of official life, I can recall few occasions which had given me greater pleasure than that historic day when I assisted in the fulfilment of the most cherished wish of the Frontier people that their province should stand on an equality with the other provinces. I claim that the advance made has been justified by the results, and I saw therefrom a moral that is not confined to the Frontier alone. In place of dissatisfaction, we have contentment and the course is set fair for orderly and harmonious progress. We watched with interests, the proceedings of the first session of the new Legislative Council marked as they were by dignity and good sense. I take this opportunity to assure the people of the Frontier to-day of my personal faith that they will not fail, when at the next stage of reforms, now rapidly approaching, they are asked to take still greater responsibilities upon their shoulders. But I have not yet come to an end of the many other constitutional activities of the last few months.

#### THE CONSULTATIVE COMMITTEE

At the end of May, there was published the report of the Orissa Committee which investigated the implications of setting up a separate Orissa Province. In June, we received the Chairman's Report of the Sind Conference convened for the purpose of trying to overcome the financial difficulties disclosed by the expert enquiry made last year. This autumn a general election will be held in Burma at which the question, whether that province should be separated will be referred to the Burmese electorate. In the meantime, we have been further examining the financial aspect of separation, with a view to stating the case for references to a tribunal commanding general confidence in India and in Burma. Before this reference is made my Government propose to place papers before you and obtain your advice. My own committee, the Consultative Committee, over which I personally presided, was able to get through a considerable amount of valuable work in Delhi, but we found our discussions of the major issues continually impeded by the communal difficulty. And I would say, with all sincerity, that it was a great disappointment to me personally that a Committee, from which so much was hoped, was unfortunately hampered by circumstances outside its immediate control.

#### COMMUNAL DECISION

Within the last month His Majesty's Government have announced their decision regarding the representation of the various communities in the Provincial Legislatures under the new Constitution. It was with great reluctance that they consented to make these decisions, for they have repeatedly expressed their conviction that the only really satisfactory settlement of this problem would be one devised and accepted by the communities themselves. But when the communities had completely failed to arrive at any agreement and the whole plan for a new Constitution in India was in danger of being brought to a stop by the failure to reach conclusions, His Majesty's Government consented to give their Award. That Award had been given with a sincere desire to hold the scales equal between the various communities. It is natural that the communities whose refusal to abate their own demands had resulted in a deadlock, should not be fully satisfied regarding the Award of His Majesty's Government. But I would ask the Hon'ble Members to remember that there are only three possible courses to follow in this matter. The first is to accept the Award of His Majesty's Government and on that basis to continue as rapidly as possible with the work of framing the new Constitution. The second is, even at this late hour, to devise a settlement other than that framed by His Majesty's Govern-

ment to which the various communities concerned will give their willing assent. The third is to abandon all hope of constitutional advance. This third course is with the aspirations and demands of many years, and the practical choice therefore, must lie between the first and the second.

It is natural that when a decision is given on a question which has been the subject of such acute controversy among the various communities for so long a period, discussion will proceed on the assumption that each community will form in each provincial legislature a self-contained and homogeneous unit, pursuing its in opposition to every other community. To my mind, this is a profound misconception of the developments to which we may look forward under a system of Self-Government. A Government has to deal with the practical problems of the advancement and prosperity of its people. The people are not, in their ordinary lives, divided in exclusive communal compartments. They have the most varied relations with each other, and these relations develop a series of interests and objects which are bound to cut across the purely communal outlook. I would therefore suggest to those who are looking at Self-Government in India as a problem of the raj of one community or of another to reflect that in practice, this is not a natural development. And I would urge them rather to contemplate, as a more probable picture of the future, a grouping of parties on the basis of economic or other non-communal interests.

#### CONSTITUTIONAL POSITION REVIEWED

The completion of the specific enquiries I have mentioned and the announcement of the Communal Award brought us to the conclusion of a definite stage, and interest passed to the next steps to be taken in the task of completing the scheme of constitutional reform. But before I take up the debated question of the future procedure, let me first attempt very briefly to sum up the general constitutional position now reached. The second Round Table Conference gave us, in broad outline, the framework of the future Federation. And I would remind Hon'ble Members that, on the conclusion of the Conference, the White Paper of His Majesty's Government, comprising the scheme evolved in the Conference discussions, was placed before Parliament, and received its approval. Do not let us lose sight of the importance attaching to the approval then given. What in effect did it mean? The policy of His Majesty's Government, expressed in the Prime Minister's speech at the conclusion of the first Round Table Conference, was the policy of the Labour Government then in power. The contribution of the second Round Table Conference was that the same policy was first accepted by the National Government, and then approved by the Parliament. Once that step was taken, the introduction of constitutional reform in India, on the basis of an All-India federation, coupled with the widest practicable measure of Responsible Government at the centre and in the provinces, could no longer be described even by its critics as a party decision. It is now the approved policy of the British Government, of the British Parliament and of the British people.

In thinking over the problems of the new Constitution, I have found it a help to divide them into three well-defined groups firstly, those problems which impinge primarily on the relations between the two countries—Great Britain and India. In this group, there come such matters as Reservations and Safeguards. Secondly, those problems affecting the relations of British India and the Indian States. In this group I put the Federal issues, for instance, the composition of the Federal Legislature, the proportion of the seats to be assigned to the States, and last but not least Federal Finance. My third group relates to the relations between the Centre and the Provinces in British India. During these summer months, my Government, with the encouragement and support of the Secretary of State, have been actively engaged in taking stock of the position under each of these three large groups of issues, scrutinising with care the problems arising from this or that difficult complication, seeking and suggesting solutions for further consideration by the Lord Chancellor's Committee which, in Lord Sankey's personal charge, has been engaged on similar work at Home. In the course of this work we have probed deeply into questions of which past discussions have touched only the surface, but we have discovered nothing to shake our faith in the ideal we pursue. Speaking on behalf of my colleagues and myself I tell hon'ble Members frankly that the conclusion we have reached is, that all that is now required is goodwill and mutual confidence to carry us to the end of our journey, so that we may see rising before us the fruition of our hopes and labours.

We have passed from the early stages when the field was prepared by the discussion of general principles. We have reached the time when practical decisions must be taken. Need I say that this is the stage when the ready help of all who wish well of our work is most to be desired. Hon'ble Members may remember the discussion in the second Round Table Conference on the subject of what was described as Reforms by instalments, and the strength of feeling aroused in some quarters against any suggestion that a start should be made first with the provinces. But at the same time there have been some, including in their number many whose opinion merits respect, who have argued that Federation must take time and that Provincial Autonomy should be the stepping stone to the larger scheme. After the fullest consultation with my Government, the Secretary of State announced on the 27th June that His Majesty's Government have decided to proceed, by way of a single Bill, covering both the Federal Centre and the Provinces. I feel sure that this decision, in which my Government whole-heartedly concurred, has been in accord with the great mass of political opinion in this country.

#### PROCEDURE FOR FURTHER CONSULTATIONS

In his statement, the Secretary of State further announced the intention of His Majesty's Government, after they had formulated their specific recommendations for Indian Constitutional reform, to set up a Joint Select Committee of Parliament to examine these proposals in consultation with Indian representatives. He said that His Majesty's Government hoped, in the interest of speed, that no further formal discussion would be necessary in London before these proposals were formulated, but that they were prepared to arrange for such discussions, if the deliberations in India of the Consultative Committee proved less conclusive than was hoped. Since this announcement was made, it has become clear that it is not possible to look to the Consultative Committee for the contribution anticipated from it. In consequence, in order to place His Majesty's Government in possession of the material they will require for framing of their proposals, I am authorised to inform Hon'ble Members that His Majesty's Government have decided that it will be necessary to hold further discussions in London, the possibility of which was indicated in the Secretary of State's statement. His Majesty's Government propose therefore to invite a small body of representatives of the States and British India to meet them in London about the middle of November. They intend, by this means, to make an earnest attempt to reach an agreement consistent with the declared policy of His Majesty's Government upon the important questions that still remain to be decided. Whilst the status of the Indian representatives will be the same as that of the delegates at the sessions of the Round Table Conference, the character of the discussion and the stage that has now been reached necessitate a less formal and more expeditious procedure than that adopted during the last two years. This result, they are convinced, will be best achieved by avoiding any public session and by working upon a fixed agenda. The object of the discussions will be to arrive at an agreement upon as large a number of points as possible. As already indicated by the Secretary of State in the House of Commons, the Government will subsequently present for the consideration of the Joint Select Committee and of Parliament its specific recommendations including the points which have been agreed to and will of course support them.

Let me, before I conclude, say a word or two to the Hon'ble Members of a rather more personal character to express, at this critical juncture in the life of India, the inmost feelings of one who has spent many happy years in this country, and who can claim that he has honestly striven during those years for her progress and advance. Fate, or I would rather say, Providence ordained that our two races should, for long years, be associated together in India. While we have had our differences and disagreements, while we have all made our mistakes, I think, if we look fairly at the past, it may truly be said that our association has brought peaceful conditions and freedom of action to all law-abiding citizens, has helped forward the development of the country and has improved the conditions of the people. There is still an immense amount of work to be done. Now, we are arriving at one of the most critical moments in the history of India, when we British will be soon handing over very largely the responsibility of the administration of the country to Indian control.

When I first landed on the shores of Bombay, nearly twenty years ago, to undertake the duties of the Governor of that Presidency, in the first speech that I made after my arrival there I appealed for the co-operation of all its citizens to help me in my work. Eighteen months ago, when I arrived to take over the duties of the

Viceroy of India, I made the same appeal to all the citizens of India. To-day I again make the same appeal with all the earnestness at my command; for it is surely evident to every thinking man, that the success of the constitutional reforms cannot be assured merely by the actions of His Majesty's Government or the Government of India. Real success can only be achieved by a result of the willing help and co-operation of the Princes and the people of India as a whole. Let us therefore put aside all personal distrust and suspicion. Let us believe in each other's sincerity of purpose. Let us get rid of, as far and as quickly as possible, the bitterness of our communal differences. Let us work together in the closest co-operation for the united purpose of securing a National spirit in India, for it is then and not till then, India will take her rightful position among the nations of the world.

It is with these words of hope that I commend Hon'ble Members to their labours, and trust that Providence may guide them aright in the best interests of our country and her people.

#### OFFICIAL BILLS

After the Viceroy's speech Sir Frank Noyce presented the Select Committee reports on the *Haj Bill* and the *Assam Tea Districts Emigration Bill*.

Sir Alan Parsons introduced a *Bill amending the Income-tax Act*, to render all foreign income of a resident in British India from whatever source derived, liable to income-tax in British India, whenever it is received in or brought into British India.

Sir Frank Noyce introduced a *Bill amending the Land Acquisition Act* to permit land being acquired for the housing of labour.

Mr. G. S. Rajpal introduced a *Bill amending the Emigration Act*, with a view to clearing doubts and penalising persons assisting persons to emigrate. The Bill also provided for licensing of recruiters of all description and not only of such persons as make a business of recruiting.

Sir Frank Noyce introduced a *Bill amending the Trades Disputes Act*, giving effect to the Whitley Report regarding confidential information and their disclosure.

Mr. Tottenham introduced a *Bill amending the Cantonments Act* to exempt officers commanding the station from service as President of the Cantonment Board.

Sir Frank Noyce introduced a *Bill to impose penalties on parties to agreements pledging the labour of children*, and on persons knowingly employing children whose labour had been pledged. This practice prevails in Amritsar, Ahmedabad and Madras.

Sir C. P. Ramaswami Aiyar introduced a *Bill amending the Railway Act*, to make it clear that railway companies referred to in Section 51, may own and operate unconditionally road motor services for the carriage of traffic in the areas served by their Railways.

The Home Member introduced a *Bill amending Section 526, Cr. P. C.*, by restoring the position as it stood before 1923, and recasting the provisions so as to eliminate certain ambiguities that had shown themselves.

#### THE COMMUNAL AWARD

At this stage, it being now for o'clock, Sardar Sant Singh moved his adjournment motion on the unsatisfactory nature of the Premier's Communal Award and said that it had roused the greatest opposition from the Punjab and generally from the whole of Hindu India. Nationalist members led by Sir Hari Singh Gour and Mr. K. C. Neogy protested that the scheme was impracticable and unworkable and would further divide the country instead of creating a national spirit. Sir C. P. Ramaswami Aiyar, Sir Cowasji Jehangir and Mr. N. M. Joshi pleaded for the acceptance of the Award. They claimed that the bigger issue of bringing the Hindus and Muslims together for demanding real Swaraj could be tackled only then. Sir Abdur Rahim and Mian Shah Nawaz, on behalf of moderate Muslims, assured that the Award would not give rise to communal controversy anywhere. Mr. Ghuznavi pleaded for a Muslim majority in Bengal, while Rao Bahadur M. C. Rajah expressed his disapproval of Mr. Ambedkar's attitude which he said had let his community down. After a few more speeches the motion was talked out and the House was adjourned.

#### DISSOLUTION OF HINDU MARRIAGES

**6th. SEPTEMBER** :—The Assembly met to-day to discuss *non-official bills*.

The House resumed the discussion on the motion of Mr. Raju for the re-circulation of Sir Hari Singh Gour's bill to remove certain doubts regarding the dissolution of marriages of persons professing Hindu religion.

Mr. De Souza, Mr. Maswood Ahmed, Mr. S. C. Jog, Mr. Lalchand Navalrai, Sir B. L. Mitter, Mr. Patil and Sir Hari Singh Gour took part in the debate.

Sir B. L. Mitter, the Law Member, stated that the Government attitude was one of absolute neutrality. Personally he considered the bill to be a humane measure, but the Government would not be justified in taking a view which was against the general opinion of the community concerned. In the circumstances the Government would neither support nor oppose the motion at this stage.

Sir Hari Singh Gour called upon the Government to come to his rescue by supporting the motion which the Law Member himself described as a humane measure. He appealed to the House not to listen to the advice of Mr. Maswood Ahmed to leave the question entirely to those affected by it and not take part in the voting.

The motion for recirculation was carried by 30 against 23 votes.

#### CHILD MARRIAGE AMENDING BILL

Raja Bahadur Krishnamachariar, moving his Bill to amend the Child Marriage Act, said that according to Hindu Sashtas, marriage meant an irrevocable betrothal.

Sir Hari Singh Gour opined that owing to the decadence of the Hindu society, the system of early marriages became customary. Unless there was a cogent and consistent argument that anything was wrong in the Act, he could not see why any amendment was necessary.

Pandit Sen quoted lengthy extracts against the Act, and was still speaking when the adjournment motion of Mr. B. Das, to discuss the unsatisfactory character of the terms of reference of the Advisory Capitation Tribunal, was taken up.

#### ADVISORY CAPITATION TRIBUNAL

Mr. B. Das moved: "This House do now adjourn". He said that though the question of the capitation charges was so important to India, yet the first information about it was given in the British Press. The communique declared that the Capitation Tribunal would examine not only the question of the capitation charges, but also India's claim that contributions should be made by the British Government towards military expenditure in India. This latter question raised a very wide subject. It had been discussed by the Defence Sub-Committee of the Round Table Conference. It should have been tackled independently and not put as a side issue before the Advisory Tribunal. Mr. Das declared that India was paying contributions five times more than all the mighty Dominions put together.

Mr. S. C. Mitra said that Mr. Das's motion was not meant as a censure, because official and non official opinion agreed on the subject, but the terms of reference had aroused suspicion. India was paying before 1908 £7-10sh. per capita for recruitment and training of the British Army men for services in India. This was raised in 1908 to £11-8sh. The British Government demanded after the War so much as £28-10sh. per capita. The Tribunal was to meet in a hole and corner manner "Why should the report be submitted to the Prime Minister only and not to the Indian Legislature".

Mr. Tottenham, Army Secretary, replying, welcomed the discussion as it would enable him to clear a misapprehension. Though the Tribunal would be advisory, its report would carry maximum weight. The terms of reference did not include political or constitutional questions at all, but only financial questions. The terms of reference attempted to put in the first para the British claim that there should be a charge made to Indian revenue for training and recruiting British army men for service in India. The second para put the counter-claim made by India, that no such charge be made, in view of the fact that India too rendered services to His Majesty's Government by employing those troops in India and that money-value should be attached to that service.

Mr. Tottenham added that this had nothing to do with the recommendation of the Defence Committee of the Round Table Conference for an expert enquiry. This expert enquiry had already been held by experts appointed by His Excellency the Commander-in-Chief, and their report had been forwarded to the British Government who would refer it to the Imperial Defence Sub-Committee.

Mr. Tottenham emphasised that the questions before the Tribunal would be purely financial, and the procedure would correspond, more or less, to that of hearing appeals in a court of law. Both His Majesty's Government and the Government of India would submit written statements of their claims, and counsels on behalf of the respective Governments would argue their case. There would be no witnesses, either



official or non-official. The Indian case had been under preparation for months, and the final touches were now being given to it. There would be a leading English Barrister and an eminent Indian lawyer to argue the case of the Government of India. The Army Secretary contended that considering the limited nature and scope of the enquiry, no more business-like or satisfactory procedure could have been devised. It was considered wise in all military matters to make the proceedings confidential, but he had no doubt that the report of the Tribunal would be published. There could be no more suitable authority than the Prime Minister for submission of the Report. The India Government and the Legislative Assembly would have a full opportunity of considering it before decisions were taken. He undertook to communicate the day's debate to the authorities at Home. This was a matter in which official and non-official opinion coincided. Indeed, for the past fifty years, even before non-official opinion took an interest in the matter, the Government of India had been pressing for justice to India.

The motion was put to vote, and defeated by 49 against 18 votes.

#### PASSENGER RATES FOR COASTAL TRAFFIC

**7th. SEPTEMBER** —*Dr. Ziauddin Ahmed* moved :—“This Assembly recommends to the Governor-General-in-Council to take the necessary steps for the purpose of fixing the minimum rates for the passenger carrying trade by sea between the coastal ports of India.” *Dr. Ahmed* recalled that the House had passed *Mr. K. C. Neogy's* Bill fixing rates in respect of inland water traffic. He wanted the same principle to be accepted in the case of coastal trade, as the circumstances were identical, and Indian interests were being crushed by a rate war by powerful British interests. He gave, as an instance, how the *B. I. S. N.* had reduced from Rs. 12 to 6 its fare and from Rs. 14 to Rs. 4 per maund its freight to kill the Indian competitor; and when that competition was killed, the rates were raised to a level even higher than that existing previously. When, however, another Indian competitor came, the rates were again brought down similarly and the passengers were given even free motor rides and presents like handkerchiefs. He contended that there should be no monopoly of Europeans in the coastal trade of India. On the other hand, if a monopoly was to exist, it should rather be of Indians.

*Mr. Abdul Matin Chaudhury*, supporting the resolution, drew attention to *Mr. Gandhi's* observations on the subject at the Round Table Conference in support of the resolution. He asked whether the Government was going to stand aside as a spectator to Indian companies being crushed and ruined, and what was worse to keep on paying a huge subsidy to the *B. I. S. N.* to carry mails. He particularly complained that the *A. B. Railway* were giving through booking facilities to the *B. I. S. N.*, and refusing the same to Indian companies. The Mercantile Marine Committee's recommendation for a licensing board had not been adopted and he asked the Government at least to honour the promise they gave in 1920, to secure adequate representation of Indian interests in the coastal traffic.

The Hon'ble *Sir C. P. Ramaswami Aiyar*, Commerce Member, explained that the Government were not opposed to the root idea of the resolution. He added: “The Government are always solicitous of giving the utmost encouragement to the coastal trade of India, but it is not possible for certain reasons, to start immediate legislation or legislation on the lines indicated in the resolution. If and when Burma is separated, the purpose of the resolution would be nullified. The proper solution is a *modus vivendi* between the various companies in India.” In this connection the Commerce Member referred to the endeavour of the Government, for some time past, to arrive at a settlement between the *B. I. S. N.* and other small companies. That was the only way in which this problem could be finally and satisfactorily decided. He was glad that the British spokesman at the Round Table Conference was of the same view. To ensure a fair deal for small Indian companies, the Government should be fully empowered to exercise control over rates, so as to see that the weaker company was not squeezed out by the stronger one by unfair cutting of rates. If the resolution was adopted, many companies would be started and hundreds of idle ships abroad would be brought here to add to the bitter competition. It was the object of the Government to make the smaller Indian companies thrive and live, and the Government was anxious to explore all possibilities for such assistance.

*Sir Hari Singh Gour* said that he was disappointed at the attitude of the Commerce Member who, he expected, would deal with the question in a spirit of broad statesmanship. What the resolution wanted at the present moment was simply pro-

tection of the indigenous companies struggling to live against a powerful combine whose unfair re-to-war had brought their very existence into jeopardy.

*Sir Cowasji Jehangir* said that the B. I. S. N. Company had three kinds of monopoly:—(1) monopoly by statute. (2) monopoly by Government grants and licences and (3) monopoly which powerful companies enjoyed by their strength, finance and organisation. The resolution aimed at this last monopoly, which had got no law on its side. There was no element of discrimination involved, but they were asking merely for the removal of a monopoly not sanctioned by the Government or by the legislature. That monopoly in this case resolutely kept out the sons of the soil from deriving their share of the benefit. The time had arrived when the Government should take action, and this resolution should be passed with the full approval of the Government.

*Dr. Ziauddin*, replying to the debate, said that the Commerce Member had started on the assumption that Burma would be separated but even if Burma was separated, trade relations could still exist.

The Hon'ble *Sir C. P. Ramaswami Aiyar*, in winding up the debate, proclaimed that the Government were quite alive to the necessity of taking as speedily and effectively as possible measures to control the coastal traffic.

The resolution was passed by 50 against 44 votes and the House adjourned.

#### CRIMINAL PROCEDURE CODE AMENDMENT BILL.

**8th. SEPTEMBER** :—The House discussed to-day the bill to amend section 563 of the Cr. Procedure Code introduced by *Mr. H. O. Haig* on the 5th September. *Mr. Haig* moving reference to a Select Committee of his Bill said that the section was drastically amended in 1923 and the experience gained had made an overwhelming case for revision. He made it clear that the bill in no way affected the grounds whereon a criminal case might be transferred, not affected the right of any person going to the court at any stage of the proceedings with a view to secure a transfer, but it proposed to abolish the procedure which in certain circumstances provided for compulsory adjournment. The Home Member next explained that under the law, as enacted in 1923, there is no limit to the number of applications that can be made in the course of a single case; secondly, there is no obligation on a party which notified its intention to move the High Court taking any such action or giving the reason for not doing so while securing its purposes of adjournment. The position that had arisen had been summed up by Justice Lord Williams' remarks: "No accused person can be convicted except with his own consent". Justice Malik had concurred with the views of Justice Lord Williams. The Home Member next quoted from the overwhelming volume of judicial and administrative opinion gathered by the Government.

*Mr. Ranga Iyer* proposed that *Mr. R. R. Puri* be added to the select committee and *Mr. S. C. Mitra* proposed the name of *Mian Shah Nawaz*.

The Home Member accepted both the proposals.

*Sardar Sant Singh*, *Mr. S. C. Jog* and *Mr. Lalchand Navalrai* did not move the amendment that the bill be circulated for eliciting public opinion.

*Mr. B. R. Puri*, speaking on the main motion, said that the right to defend in a criminal case was a privilege which should be legitimately given and not encroached upon. Under the existing law, the accused had the right to notify his intention to apply for transfer of the case at any stage of an inquiry. The speaker was disappointed that the Bill at one stroke, aimed at taking away the right of transfer at any stage of an inquiry. The accused thereafter would have to notify his intention to apply for transfer even before the first prosecution witness had been examined. That might prejudice a magistrate, who otherwise would have been inclined to do justice, thus injuring the accused's interests. Continuing, *Mr. Puri* contended that an accused could not anticipate the magistrate's behaviour before the trial began. When it was remembered that any application to the High Court involved the risk of annoying the magistrate, who would therefore hardly be expected, unless he was a super-man, to hold the scales even, such applications could not be made lightly. Then again, if the law was abused by a few, it was no reason why the majority of persons should be penalised, and deprived of a means of redress. He was opposed to the Bill, on the ground that making it more rigorous would put more hardships on the accused. He suggested that the existing section might be allowed to remain intact, magistrates being given discretion to grant an adjournment where one had already been granted.

Sir B. L. Mitter said that the entire criticism was not against the object of the Bill, but against specific provisions. In reply to a question put by Sir M. Yakub he said that the principle of the Bill was to stop the existing unlimited scope for compulsory adjournment. Similarly, the suggestion of Mian Shah Nawaz and Mr. Puri for limiting compensation by the High Court to a specific figure could be gone into by the Select Committee. He agreed with Mian Shan Nawaz that the provisions of inherent jurisdiction in the section which Mr. Puri had quoted, could not be used in contravention of an express power.

Sir Mahomed Yakub could not understand the hurry with which the Government brought forward the legislation. The accused's rights should be protected and the speaker endorsed Mr. Puri's amendment. He wanted an assurance that such an amendment could be moved in the select committee.

Sir C. P. Ramaswami Aiyar repeated the assurance given by the Law Member that the select committee could discuss it. The motion for a select committee was put and agreed to. The House then adjourned.

#### AGE OF CONSENT BILL

**12th. SEPTEMBER :—**In the Assembly to-day, Sir Hari Singh Gour moved to allow his Age of Consent Bill to be continued and not to be allowed to lapse, as he arrived a little late the other day and lost the chance of moving it.

Raja Bahadur Krishnamachariar opposed the motion as no special reason had been given to persuade the House to make an exception in the case of such a contentious bill. The House divided, Government remaining neutral. Europeans, Independents and some Nationalists voted with him and the motion for continuing the Bill was carried by 36 to 29 votes.

#### CR. P. C. AMEND. BILL—SEL. COMM. REPORT.

The House then discussed *official Bills*. Mr. Haig, Home Member, presented the report of the Select Committee on the Bill amending the Criminal Procedure Code and said he had just then received a dissenting minute from Rao Bahadur Patil.

The Select Committee on the Bill consider that the power to obtain an adjournment on notifying to the court, the intention to apply for a transfer, should not be confined to cases where the notification is made before a trial begins. The Committee think that the provisions should be made for compulsory adjournment if the party notifies an intention to move for transfer any time before arguments begin, that is, before the defence closes. Recognising that the present abuse must be checked, the Committee provide that once a party has secured an adjournment, the court is not bound to adjourn on subsequent intimation of any intention to apply for transfer by the same party. Where there are more than one accused, it shall not be possible for the different accused, by a series of successive intimations, to secure a series of adjournments.

The Committee note that the inherent power of a court under Section 34 to adjourn a case is not affected, but have inserted an explanation to make that clear.

Mr. Amarnath Dutt, in a dissenting note, thinks that the safeguard given is illusory, and not real. The speedy disposal of a case should not over-ride the dispensation of justice. Mr. B. L. Patil, in a separate note of dissent, says that in principle one accused in no sense represents another and practically their interest may be conflicting.

#### LAND ACQUISITION AMENDING BILL

Sir Frank Noyce moved the consideration of the Bill amending the Land Acquisition Act to provide for the acquisition of land by private employers for labour housing purposes. Sir Muhammed Yakub asked why the abnormal procedure was adopted in the case of the normal legislation. He moved for circulation of the Bill.

Sir Cowasji Jehangir agreed that public opinion should be ascertained.

Sir Frank Noyce said that the Government had no objection and the Bill was accordingly circulated for eliciting public opinion.

#### INDIAN EMIGRATION & INDIAN CANTONMENTS ACTS

The House passed Bills amending the Indian Emigration Act and the Indian Cantonment Act without discussion.

#### PLEDGING OF CHILDREN'S LABOUR BILL

Sir Frank Noyce moved for reconsideration of the Bill prohibiting pledging of

labour of children. He said that India was well-known for her love of children. This Bill would put a stop to the practices in Madras, Ahmedabad and Amritsar discovered by the Labour Commission. The Government wished the Bill to be enacted now, but if the House so desired it could circulate it.

Sir C. P. Ramaswami Aiyar explained that the Bill intended to prohibit the mortgaging and pledging of children and the penalty attaching to such actions. If there were any defects and the Bill required alterations that could be done in the Select Committee without the Bill being circulated. The Bill was then referred to a Select Committee.

#### ANCIENT MONUMENTS PRESERVATION ACT

Mr. Bajpai moved an amending Bill to the Ancient Monuments Preservation Act of 1904. Dr. Ziauddin supported but Mr. Lalchand Navalrai raised certain objections and wanted further assurances from the Government.

Chandhuri Zafarullah Khan, Education Member of the Government, assured the House that it was the primary object of the Government to preserve antiquities and ancient treasures in India itself for the purpose of knowledge and education. By passing the Bill the Assembly would be authorising excavations under Government supervision, so that exportation could be prevented. He further assured the members that the rules would be administered in the proper spirit and having regard to the main object of the Bill, that preference shall always be given to Indians, and hoped Mr. Navalrai would withdraw his amendments.

Mr. Navalrai withdrew all amendments except that a provision be incorporated in favour of antiquities found under private property being divided with the original owner of the property if he wished to have a share. Mr. Yamin Khan, Dr. Ziauddin and Sir Cowasjee Jehangir opposed the amendment, which was lost. Finally, the Bill was passed without division. The Assembly then adjourned.

#### BILL TO AMEND SARDA ACT

13th. SEPTEMBER:—The Assembly met to-day to transact non-official business. After interpellations the House proceeded with the consideration of the bill to amend the Sarda Act so as to exempt the Brahmans and others from its operation. Pandit S. N. Sen made a lengthy speech full of quotations from the Shastras in support of the alteration of the Act.

Mr. Haig, in opposing the motion on behalf of the Government, said that there had been no change in public opinion to justify the repeal of the measure which the House passed after strict scrutiny by two Select Committees. Messrs Ramkrishna Jha, B. N. Misra and Raja Krishnamachariar supported the motion and accused the Government for interfering in religious matters, while Kunwar Raghubir Singh and Mr. Jadhav opposed the motion and declared the Act to be in the interest of humanity. The debate had not finished when the adjourned motion of Mr. Ranga Iyer, to discuss the letter of Mahatma Gandhi to the Prime Minister involving the Mahatma's decision to die, was taken up.

#### Mahatma's Fast—Adjourned Motion.

Mr. C. S. Ranga Aiyar moving that "the House do now adjourn," observed: "Lord Krishna has said that 'Whenever virtue subsides and vice prevails, I come down and help mankind.' We look at Mahatma Gandhi as an incarnation of our God who has come down in obedience to the mandate of the Lord to help mankind (applause). To-day, very rightly and very nobly in obedience to the mandate of our Rishis and the faith of our Gods, the Mahatma has taken up the duty of revolting against a decision which will split up our faith and our race and pass a statutory condemnation on our religion. He has taken a vow to resist that decision with his life. Who dies if the Mahatma lives, and who lives if the Mahatma dies? (applause). He has decided to die, so that the Depressed Classes may live. The Prime Minister of a foreign nation, alien in thought, outlook and with limited wisdom, justifies this segregation. This worst poison has been introduced for twenty years so that our religion, our gods and our community could be broken to pieces for the benefit of British Imperialism. I look upon this segregation as driving the thin end of the wedge. This is a conspiracy to break up the joint family of our Hindu community. This conspiracy will be resisted by the Hindus so long as they have faith in their gods and in their religion. This community will join and resist this Imperialist attempt in a manner which the British rule in India has not under-

stood in the past. Mahatma Gandhi has declared himself for over-representation of the Depressed Classes. It is for the Premier to honour his pledge and allow an opportunity to the Mahatma and the Hindus to arrange a settlement among themselves.

Continuing, Mr. Ranga Aiyar asked Sir C. P. Ramaswami Aiyar, whose patriotic lead had led men like the speaker into public life, whether he would like to play "Hamlet" without the Prince of Denmark in London and asked the Leader of the House to devote his energies to saving the Mahatma from death. He added that Sir Tej Bahadur Sapru might be dreaming dreams of European countries where they would once again try and resume their attitude of Kilkenny cats in a foreign language. He asked whether the Prime Minister knew more about the Depressed Classes than Mahatma Gandhi. Then again, there was Mr. M. C. Rajah, twice nominated to the Assembly as Depressed Class representative. He had entered into a pact with Dr. B. S. Moonji of the Hindu Mahasabha. Why did the Government listen to the view of propped up Associations, bogus institutions and men who had no following, but were widely advertised in the columns of anti-Indian Press? Why did not the Premier accept the Raja-Moonji Pact? Mr. Aiyar concluded: "Let Great Britain make up and save Mahatmaji and thereby save their connection with India. If the Mahatma dies, with him will die the British connection with India, and a new generation will be born with hatred of Britain and everything British (loud applause)."

Mr. M. C. Rajah spoke as follows:—"Never in the annals of the history of India has the issue of the Depressed Classes assumed the importance it has to-day. For this we, of the Depressed Classes, must for ever be grateful to Mahatma Gandhi. He has told the world, in words which cannot be mistaken, that our regeneration is the fundamental aim of his life. If world conscience cannot be roused even now to a realisation of the position of the Depressed Classes, then we can only conclude that all the instincts of humanity are dead in the world to-day.

"Let me remind the House that ours is an all-India problem, and not confined to some provinces as it is in the case of the Muslims and the Sikhs. I have heard it repeated often that the Muslims and Sikhs claimed special consideration, because they are martial races. So have we been in the ancient history of India. But, Sir, what we claim is that we have, in addition, been most law-abiding and loyal citizens. Even when social laws degraded us to a position of untouchability, we never took the law into our hands. We depended upon the moral conscience of our countrymen to bring about a realisation of the grave injustice and inhumanity practised against us.

"In the situation created by Mahatma Gandhi opposing the grant of communal electorates to the Depressed Classes, I am sure there is no member in this Hon'ble House who will not regret that circumstances should have forced such a great personality to take a vow to play on his life. But, Sir, the correspondence shows that the Government had enough warning. They did not attach full importance to our considered views expressed in our conferences. They should have taken at least the grave warning given by Mahatma Gandhi and desisted from the course of creating separate electorates.

"Sir, the situation as it confronts us to-day, is as follows: The British Government have given their communal decision. They declare that it shall hold the field for 20 years in respect of the Depressed Classes, unless there is a unanimous request made before the constitution is framed or ten years after the constitution has worked. I wonder what is meant by unanimous request? In the political history of any country has such literal unanimity ever been attained on any issue? Is the British Government sure that Britishers are unanimous in giving India a further measure of responsibility? Is even the National Government sure that the Conservatives, as a whole, back its Indian policy? This condition of unanimity is thus a dodge to keep us perpetually divided.

"I claim that my community is already in favour of common electorates, and I will prove my contention by a few quotations. You all know that the British Government sent two delegates to represent the Depressed Classes at the Round Table Conference—Dr. Ambedkar and Rao Bahadur Srinivasan. Dr. Ambedkar presented the case of the Depressed Classes in Bombay before the Simon Commission. He presented the statement of his sabha, where he pleaded for joint electorates."

After giving a quotation Mr. Raja proceeded:

"Again in his minute of dissent to the report of the Bombay Provincial Simon Committee, Dr. Ambedkar demanded joint electorates with reservation of seats.

"As regards Rao Bahadur Srinivasan, when he appeared before the Simon Commission in Madras, to a question put by a member of the Commission, whether he

wanted separate electorates for the Depressed Classes, he said : 'Not at present.' His reasons were that our people are not yet advanced to have separate electorates and unless you give adult franchise, the Depressed Classes should have no separate electorates. This was in 1929 when he went to the first R. T. C. The Depressed Classes Federation of Madras, of which Mr. Srinivasan is the president, passed a resolution supporting joint electorates and giving him that mandate for being placed before the R. T. C. In this connection let me remind the House that even Dr. Ambedkar demanded joint electorate with reservation of seats at the first Round Table Conference.

"When the Indian Central Committee's report was published giving the Depressed Classes joint electorates with reservation of seats for all provinces, except Madras, there was no huc and cry. When the Simon Commission's report embodying electorates with reservation of seats was published, there was no protest raised against it. My friend, Dr. Ambedkar, while speaking on the recommendations of this Commission, welcomed this system, in the interests of his community, and raised an objection to the system of a panel from which the Governor was to select candidates for the Depressed Classes. Indeed, Dr. Ambedkar, speaking at the Kamptee Conference in 1930, declared : 'No share of political powers can come to you, so long as the British Government remains where it is. It is only in a [Swaraj] constitution that you stand any chance of getting political power into your hands.' He said in the same speech : 'Swarajya is going to be a system of government in which you (Depressed Classes) stand a chance, other things being equal, of being amongst those who will be installed as political sovereigns of this country.'"

"I do not know what brought about a revolution in the state of mind of Dr. Ambedkar and Mr. Srinivasan at the second Round Table Conference when they sacrificed a system whereby they would have obtained the right to be political sovereigns, and secured instead the expression of the minimum voice for people who deserved the maximum electoral power to direct the Government from within.

"Now, Sir, it will be clear to the House that joint electorates were acceptable to my community from the time they understood that there was to be a transfer of power to Indian hands. The position we took was that under a scheme of government in which Indians will rule, our safety lay not in finding channels for voicing our opinions, but in taking our due share in the government of the country. Indeed, this is my chief attack on the Premier's letter to Mahatma Gandhi. He tells us that he has given separate electorates for twenty years to enable us to get a minimum number of seats to place our views before the Government and the Legislature of the day. This privilege we have already enjoyed under the Montford Reforms, and if has enabled us to get representation in numerous local bodies and in the legislatures, both Provincial and Central. We are sufficiently organized for that purpose, and do not need either special pleading and special succour in the future. What we do need as a real remedy for our uplift is the definite power to elect our representatives from the general constituencies and hold them responsible to us for their actions.

"I do not know why the Prime Minister calls the scheme of joint electorates with reservation of seats as impracticable. It is already in force in the local bodies in Madras and some other provinces, and has worked very satisfactorily. I contend, Sir, that the scheme enunciated in the communal decision involves our segregation and makes us politically untouchable. I am surprised at the argument of the Prime Minister that there is no segregation because we can vote for caste Hindus who will have to solicit our votes.

"There is, Sir, another tragic side to the controversy. When we claim special protection from the Government for some share in the official services which is given by the Government of India to other minorities and backward classes, we are told that we are classed as Hindus and have no special claim. But when we declare that in the matter of legislative representation, we would like to join the general body of Hindus, we are told that we are a separate community (Applause). The sufferings which my community has undergone at the hands of caste Hindus have been acknowledged by the caste-Hindus themselves. I am prepared to admit that there are a large number of reformers among them who are doing everything possible to improve our status and position. I am convinced that there is a change of heart and a change in the angle of vision of the caste Hindus. We, the Depressed Classes, feel ourselves as true Hindus. We feel that the moral conscience of the Hindus

has been roused to such an extent that our salvation lies in bringing about a change from within the main body of Hindu society and not by segregating ourselves from them. The course adopted by the Government would certainly arrest the progress of this most laudable movement.

"I must say, Sir, that the Prime Minister's letter, in its entire conception and expression, has disappointed me most. He argues, for instance, that reservation of seats under joint electorates would not get genuine representation for us. Does the Prime Minister know that the Simon Commission, consisting of seven chosen Britishers, held, after a most thorough investigation on the spot, that such a system would produce genuine representation for us? Even the fear expressed by the Prime Minister is resolved by Mahatma Gandhi who has said that he is ready to enrol every adult member of the Depressed Class as a voter and impose a stricter test on caste Hindus. May I ask why the Premier is not prepared to consider this solution?

"Now let me summarise the position. The Premier is for separate electorates, to secure a minimum number of spokesmen for the Depressed Classes. Mahatma Gandhi's decision is for over-representation of the Depressed Classes in joint electorates. My pact with Dr. Moonjee of the Hindu Maha Sabha gives my community reservation of seats on a population basis through joint electorates.

"In conclusion, let me add that I have known and studied the question of the Depressed Classes in all its bearings all over India during the quarter of a century of my public life. I was privileged to review it fully during our tour with the Simon Commission. I would therefore ask the Government to take this assurance from me, that our best interest require that we should not be dissected from the Hindu community but that we should have our due representation in the legislatures on the basis of reservation. The crisis that faces us to-day is very grave. There hangs in the balance, the life of the greatest Indian of our time, and there hangs in the balance the future of the millions of the down-trodden people of this country. Is the Government going to take the responsibility for killing one and reducing the other to perpetual servitude? Let it make its choice well and wisely." (Applause).

Mr. *Sant Singh* urged the Government to take stock of the situation that had arisen in consequence of the Communal Award, and he warned the Government that the agitation amongst the Sikhs was growing.

Mr. *Haig*, Home Member, said that Mr. Gandhi's threatened action was intended to force on the Government and public opinion a particular solution on a matter of public policy. No Government could possibly let its action be influenced by methods of this kind (Applause from the European group). If this principle were once accepted, there would be an end of Government as the present Government understood it, or as the people contemplated it. If Mr. Gandhi's method was accepted, they would soon find themselves under a dictator of a novel kind in the history of the world. The Communal Award had been given, because, there was no agreement reached between the Depressed Classes and the caste Hindus. If an agreement was reached before the new Government of India Bill was ready, then that would be taken as an acceptable alternative.

Mr. Gandhi's action, the Home Member continued, was really directed to bringing pressure to bear not on His Majesty's Government, but on the representatives of the Depressed Classes, so that they might adopt his views. Mr. Gandhi was trying to do this by coercive methods, which were not reasonable in the political sphere. The Premier's award allowed every Depressed Class voter to vote in joint electorate in the general constituencies with all other Hindus, and so there was no segregation in it. In addition to that, there was the provision of separate electorates for a limited period to allow their spokesman to voice the ideals of the community. The Depressed Classes required a special measure of protection, as under the new Constitution there would be no foreign element to hold the scales even.

Sir *Cowasjee Jehangir* saw in Mr. Gandhi's threatened action an opportunity for a solution of the question of the representation of the Depressed Classes, and also of other questions. He therefore asserted that it should relieve the Government of considerable responsibility. He related the history of the discussions in the second Round Table Conference of which he was a member, and said that it was the unfortunate refusal of Mr. Gandhi to agree to the demand of Dr. Ambedkar for reservation of seats, that led him (Dr. Ambedkar) to ask for separate electorates. Reading between the lines of Mr. Gandhi's letter to Sir Samuel Hoare and the Premier, Sir Cowasjee Jehangir thought that Mr. Gandhi had now changed his view, and was prepared to concede reservation of seats. That being so, Mr. Gandhi

should be given an opportunity of mediating between the Ambedkar and Raja schools of thought, so that there might be peace on this particular issue and a solution of this and other problems.

The Hon'ble Sir C. P. Ramaswami Aiyer said : "Mr. Gandhi's method of solving a political question by non-political methods, is one which is fraught with the greatest possible danger to the constitutional development of the country." He read out a statement that "opportunities will no doubt arise for Mr. Gandhi to put forward his point of view, and to try to effect the change of opinion which he hopes for. It must be remembered that the suggested change of opinion must be such as will fall within the terms of the Premier's announcement." Continuing he said that the only way to solve the problem was by mutual discussion and mutual agreement. Rao Bahadur Rajah, whose speech he had listened to with pleasure and profit, had mentioned the ramifications of this problem. He was glad to hear from Rao Bahadur Rajah that his community was prepared to trust the higher castes with the interests of their community. Mr. Gandhi's influence would be potent in that direction. The method of direct action, the speaker observed, had in it implications and repercussions, fatal to orderly and constitutional development.

Sir Hari Singh Gour said that Mr. Gandhi had put into his letter to Sir Samuel Hoare a pregnant sentence, namely, that he hoped on his return to India to mobilise public opinion against separate electorates for the Depressed Classes. But it was not to be. Sir Hari Singh blamed the Government for denying Mr. Gandhi that opportunity. As regards the merits of the controversy, he said that if Mr. Gandhi had been present in the visitor's gallery to-day, he would have known whether the caste Hindus had in any way relaxed their conservatism, whether they were not still opposing all reform. "I do not defend the action of Mr. Gandhi. I deplore that he should have taken such action upon a minor issue. But considering Mr. Gandhi's great services to the country, that he is the apostle of civil disobedience and stands between law and order and terrorism, this Government must know that Mr. Gandhi speaks as a messenger of peace. We earnestly appeal to Mr. Gandhi to desist from his action, and apply his great powers towards the pacification of this country."

The motion was thus talked out and the House adjourned.

#### Criminal Law Amendment Bill

14th. SEPTEMBER :—The Assembly met to-day to consider official business. Mr. Haig introduced the Criminal Law Amendment Bill otherwise known as the Ordinance Bill which reproduces in the form of amendments to Acts already on the Statute Book certain provisions of the Special Powers Ordinance X of 1932 and includes :—(a) provisions against associations dangerous to the public peace, (b) provisions against certain forms of intimidation, and (c) provisions to secure greater control over the press. The following is the statement of objects and reasons of the Bill :—

"The Civil Disobedience Movement had made it necessary to supplement the Criminal Law by means of certain Ordinances promulgated by the Governor-General in the exercise of his powers under Section 72 of the Government of India Act. The Special Powers Ordinance, which combines the powers taken by earlier Ordinances lapses on the 29th December 1932. Though the Ordinances have enabled the Local Governments and their officers to control the movement, its organisers have not abandoned their attempt to paralyse the Government and to coerce the law-abiding citizens. Experience of the last two years and of the previous movements on the same lines shows that in the absence of certain of the powers at present existing, it is no difficult matter to start or revive such subversive movements. Conditions prevailing at present as a result of measures taken by the Government of India and the Local Governments are such as to render it unnecessary to assume for the whole of British India all the powers conferred by the Special Powers Ordinance now in force and it is hoped that the powers conferred by Chapter II (Emergency Powers), Chapter IV (Special Courts) and Chapter V (Special Provisions against investigation to the illegal refusal of payment of certain liabilities) will only be needed in certain provinces. It is, therefore, intended by this bill to take only those powers which a general review of the situation shows are required for the whole of India and to leave it to local Governments to supplement these provisions by means of local legislation in order to meet local or emergent conditions."



## TERRORIST OUTRAGES BILL

Mr. Haig next introduced a Bill supplementing the Bengal Suppression of Terrorist Outrages Act, 1932, so as to provide for appeals to the High Court in certain cases and to exclude their jurisdiction in other matters.

## RAILWAYS ACT AMENDING BILL

Sir C. P. Ramaswami Aiyar, Commerce Member, then moved that the Bill to amend the Indian Railways Act of 1890 be taken into consideration. He said that the Government had already initiated an enquiry to ascertain the steps to be taken to effect co-ordination of road development with Railways.

In the debate that followed Mr. Maswood Ahmed moved for circulation of the measure. Mr. B. Das suspected that the Bill was brought forward after a representation by the Associated Chambers of Commerce. Considering the financial position of the Railways, the Assembly should not grant this power to the traditionally extravagant Railway Board, who would at once purchase costly machines. Mr. Muazzam Sahib said that the Bill should be brought after the Report of the Road Committee had been submitted. Mr. S. C. Sen wanted to know the legal position of railway buses so far as liabilities were concerned, whether they would be governed by the Railway Act or by the Carriers Act. Mr. K. C. Neogy criticised the Ordinance mentality in the dealings of the Government, who wanted comprehensive and unconditional powers without looking to the comforts and convenience of passengers.

The Commerce Member, replying to the debate, emphasised that the Bill would apply not to any State-managed railways or big company-managed railways, but only to those companies which were comparatively small in character, and found themselves hard hit by reason of competition. The Government would endeavour their best to obtain public opinion, both Indian and European.

The House agreed to the circulation of the Bill.

## HAJ COMMITTEES BILL

Mr. Bajpai, Education Secretary, moved for consideration of the Bill to establish committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to Hedjaj. He answered many of the points of criticism contained in the minutes of dissent and in the interest of pilgrims urged immediate passage of the measure.

In the debate that followed Mr. Maswood Ahmed moved for circulation, and wanted that only Muslim members should vote on this motion. Mr. Sadiq Hassan, supporting the Bill, said that it was reactionary and tightened the hold of the Government. Kunwar Ismail Ali Khan, supporting the Bill, said that it would be of little use without the other two Haj Bills. Sir Abdur Rahim, opposing the motion for circulation, said that public opinion had been sufficiently expressed. He was convinced that for the successful working of the Committees, the Government must have some representatives since it would be providing funds for the Committees.

## TRADE DISPUTES ACT

The House next passed the Bill amending Section 13 of the Trade Disputes Act relating to Courts of Enquiry. The Assembly then adjourned.

## WORKING OF TATA STEEL COMPANY

15th. SEPTEMBER :—Mr. Amarnath Dutt moved a resolution to-day recommending that "at the forthcoming enquiry by the Tariff Board in regard to the Tata Steel Works at Jamshedpur, investigation be conducted into what proportion the total assets of the company bear to the aggregate value of protection so far enjoyed by it by way of bounty and tariff, whether and how far the process of Indianisation is being carried on, what relations have subsisted between the firm and Labour, whether and to what extent the purchase of raw materials and machinery is being conducted on economic lines, and whether the sale policy of pig iron is conducive to the best interests of the country, etc." Mr. Dutt said that when protection was offered to the Tatas, it was realised that the protection needed was in the best interests of the country. The protection amounted to nearly five crores of rupees annually, and it was fair on the part of the public to demand an enquiry to ascertain whether the public had gained

by the bounty. There had been serious allegations for a long time. The salary paid to the officials of the Tatas exceeded in certain cases that of the Viceroy.

Mr. *Bhupat Singh*, moving an amendment, wanted to know how far the Tata Iron and Steel Works had achieved the object of the protection granted to it since 1924, and how far they had promoted subsidiary Indian and cottage industries.

Mr. *S. C. Mitra* moved an amendment for adequate representation of the Assembly and other interests such as Labour and subsidiary concerns on the Committee.

Mr. *N. K. Dudhoria*, in an imperfectly heard speech, referred to the neglect of cottage industries, and said that emissaries of the Tatas had come from Jamshedpur to influence the members to vote down their harmless proposition.

Mr. *B. Das*, supporting the resolution, refused to subscribe to Government control of an Indian industry. He supported the amendments.

Mr. *H. P. Mody* vigorously opposed the resolution. He said that the Tariff Board was the proper body to review all matters and the Board's report showed that they had made a full investigation which took note even of the wildest allegations. He contended that the attack made on the Tatas was unfair, as the salaries to the covenanted staff had been reduced in the past six years from Rs. 31 lakhs to Rs. 18 lakhs, while in the same period the number of European and American officials had been reduced from 223 to 78. The Tatas had spent about a crore and seventy lakhs on labour welfare schemes, which were costing Rs. 11 lakhs yearly for maintenance.

Sir *C. P. Ramaswami Aiyar* emphasised that the proper enquiry required by the statute was to see to what extent the Steel industry could compete with the foreign countries and to what extent the country should support the industry for that purpose and also to see that it was run on the most efficient lines. For such an enquiry, there must be a body which would include experts, who would be entitled to go into the commercial and other aspects of the industry. The facts, findings and judgment of that expert body would be sifted and examined by this House, which was the ultimate judge as to the method and amount of protection required in the circumstances. It was therefore not right that the members of the Assembly should sit on the Enquiry Committee. Sir *C. P. Ramaswami Aiyar* informed the House that all the points raised during the debate would be kept in view by the Tariff Board, but he pointed out that there were limits to these points.

The President thereupon put all the amendments to vote. All of them were rejected. The resolution of Mr. Dutta was then put and lost without a division.

#### COAL PURCHASE FOR STATE RAILWAYS

Mr. *A. H. Ghuznavi* next moved that a permanent board be constituted under the Railway Board with the Chief Commissioner, Railways, or a member of the Board as the Chairman, and the Chief Inspector of Mines, a Loco Superintendent of each State Railway in rotation, and a gentleman with the experience of the commercial side of colliery work, but not actually in the coal trade, as members of the Board for the purpose of making all purchases of coal which were then being done by the Railway Board and for looking after the State Railway collieries and running them on commercial lines. He said that the administration of railway collieries was involving a loss of fifty lakhs a year, firstly, by the buying of coal at higher rates in preference to lower ones, secondly, by an extravagant working of collieries in violation of the accepted principle of the Government of calling public tenders, with the result that their cost of raising was two rupees higher than the price at which they could purchase coal in the market. He attributed favouritism as the cause of this loss to public revenue. He asked what did the Railway Board people know about coal? They had to accept Mr Whitworth's recommendation. He said he had received numerous letters making serious allegations. He argued that the alleged malpractices could only be stopped, if tenders were received direct by the Railway Board, tabulated in their office and opened publicly. Mr. Ghuznavi informed the House that Mr. Whitworth received about 40,000 rupees over and above his monthly salary of Rs. 3,500 by way of commission for purchasing coal for the non-State Railways. He held that 16 lakhs of rupees could be saved on the purchase side and 16 lakhs on raising the contract and 16 lakhs were accounted for by the top-heavy administration and by the fact that the

Government is showing the raising cost, did not show interest on the capital, nor depreciation nor royalty on weighbridge. Thus the public exchequer had suffered a loss of nine crores during the regime of Mr. Whitworth.

Mr. S. C. Sen, repudiating Mr. Ghuznavi's allegations, referred to Sir George Rainy's speech in the Assembly to the effect that purchases of coal were made after a careful scrutiny by two members of the Railway Board and finally by the Commerce Member so far as the quality and the quantity were concerned. According to the usual practice, tenders were first examined in the office of the Chief Mining Engineer who, in turn, forwarded them to the Railway Board. He did not think that the suggestion of Mr. Ghuznavi for appointing a coal board which would consist of only one member of the Railway Board was in any way better than the present practice.

Further debate was at this stage adjourned.

#### MAHATMA'S FAST—GOVT. DECISION TO RELEASE

Mr. Haig, Home Member, then made the following statement :—

"Mr. Gandhi has made it clear by his correspondence with the Prime Minister that he is proposing to starve himself to death, not as a protest against his detention, nor with the object of securing his release, but on a point of principle which is not related to the Civil Disobedience movement. It has been decided that as soon as Mr. Gandhi actually begins his fast he should be removed from jail to a suitable place of private residence and the only restriction that will be imposed upon him there, as at present contemplated, is that he should be served with an order directing him to remain there. We hope it will prove unnecessary to impose any further restrictions on Mr. Gandhi, but this matter will depend primarily on whether the liberty accorded to him is found to lend itself to the promotion of the Civil Disobedience movement or any similar agitation directed against Government or to affect the maintenance of law and order."

Immediately after Mr. Haig had made this statement, Mr. C. S. Ranga Iyer gave notice of an adjournment motion to discuss the conditions imposed on Mahatma Gandhi's release.

#### HAJ COMMITTEES BILL.

**16th. SEPTEMBER :—**Discussion on the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, was resumed to-day. Sir *Abdur Rahim* said that the Jamiat-ul-Ulema had been misled by certain propagandists. The Haj was purely a religious ritual and there was no foundation for such a fear. Every provision of the Bill was directed to assisting the pilgrims. The Government would come in simply to assist the representatives of the Muslim public. The measure stood on the same footing, as, for instance, the regulations made for arrangements on the occasion of pilgrimage within the borders of India. He asked the House not to delay the passing of a beneficial measure, and asked Mr. Maswood Ahmed to withdraw his amendments.

Sir *Mahomed Yakub*, opposing the amendment, said that Moslems had been clamouring for a long time for the establishment of committees like these. There was no use postponing the Bill by recirculation, as moslem religious bodies had already expressed their opinions.

*Chaudhury Zafarullah Khan*, meeting the criticism of some members and of the Jamiat-ul-Ulema, made it abundantly clear that the Bill was not a religious measure. It did not impose any restrictions on pilgrims, but intended to render the pilgrims' journey overland and stay in the Hedjaz less irksome. He explained that those who would not desire to avail themselves of the Act need not do so. The Bill should be judged on its merits. Referring to the Ulemas' representation on the Committees, he explained that the Bill did not restrict the choice of members to a particular category and it was possible to co-opt more members to give effect to their desire. Referring to Mr. Sadiq Hussain's attack on the Committees' constitution, *Chaudhury Zafarullah* said that it was the Government's first attempt to set up such committees and it would be difficult to run them without including members with administrative experience, who would be there to help and assist and not influence decisions.

The amendment was put to vote, and was lost.

Mr. *Maswood Ahmed* proposed another amendment that all officers and servants of Port Haj Committees be Muslims only. Two others supported him.

During the third reading Mr. Azharali supported the Bill as being consistent with democratic principles. Mr. Anwarul Azim and Mr. Jadhav also supported it.

Mr. Maswood Ahmed, who had proposed a large number of amendments, preferred to remain neutral as the Bill in his opinion was useless for Muslims.

The Bill was finally passed without opposition.

#### WORKMEN'S COMPENSATION BILL

Sir Frank Noyce then moved that the Bill further to amend the Workmen's Compensation Act of 1923, be referred to a select committee.

Mr. F. E. James thought that a measure like the one before the House should be introduced after the establishment of a Federal Government. However, he did not like to oppose reference to a select committee.

Discussion had not finished when the Assembly rose.

#### CRIMINAL CASES TRANSFER BILL

**19th. SEPTEMBER:**—Mr. Haig moved for consideration of the Bill to amend the Criminal Procedure Code as reported by the Select Committee. He explained the two lines of thought that were proposed before the committee, and emphasised that under the revised Bill, it would not be necessary for a transfer application to be made only before the trial begins in order to secure compulsory adjournment. Secondly, this system of compulsory adjournment should take place at any time before the defence closed its case, but when once a party had secured an adjournment, the court would not be bound to adjourn on any subsequent intimation of an intention to apply for transfer made by the same party. Where there were more than one accused, it would not be possible for the different accused by a series of successive intimations to secure a series of adjournments. This provision was necessary in order to prevent mala fide applications for adjournment in order to tamper with prosecution witnesses. Any party intending to make applications would be required to execute a bond not exceeding Rs. 200, to ensure that he would make such an application within a reasonable time. This was another safeguard against frivolous and vexatious applications. The Home Member claimed that the Bill, as amended, gave reasonable protection, and prevented the worst abuses of the present system.

Mr. Lalchand Navalrai regarded the changes made in the Bill, as taking away with one hand what was offered with the other.

Mr. Ramakrishna Reddi thought that the Bill, as it emerged from the Select Committee, was much more reactionary than the original one. He submitted that the security demanded for transfer was too high.

Mr. Mahomed Muazzam, supporting the motion, said that the Bill, as it had emerged from the Select Committee, left no room for attack.

Sardar Sant Singh said that in frivolous cases of transfer, compensation should be given to the complainant and not to the Crown. Referring to cases having different sets of accused with conflicting interests, he said that the provision acted harshly on the party which had not taken advantage of the first adjournment and later found the Magistrate biased in favour of one set of accused.

Sir B. L. Mitter, replying, said that the prosecution was always by the Crown and so the bond should be in favour of the Crown as it would prove a deterrent against frivolous transfers. Referring to cases having several sets of accused with conflicting interests, he said that there was no ground for transfer unless the Magistrate was involved, and it was in the highest degree unlikely that the Magistrate would favour one party against another. Referring to the allegation about insufficient time being given by the Magistrate where two courts were to be moved, Sir B. L. Mitter said that when an application once went to the High Court it had the power to extend the period. No statutory limit had been fixed, precisely for the reason that the period fixed might prove to be insufficient.

The House next proceeded to discuss the various amendments moved by Messrs. Lalchand Navalrai, Ramakrishna Reddi, B. L. Patil and S. C. Jog for lowering the limit of compensation. These were rejected without a discussion.

The House adjourned without concluding the disposal of the amendments.

#### CHILD MARRIAGE AMENDMENT BILL

**20th. SEPTEMBER:**—Raja Bahadur Krishnamachariar resumed his reply to the debate on his motion to take into consideration his Bill to amend the Sarda Child Marriage Restraint Act. The Bill was thrown out by 53 to 21 votes.

## INCOME TAX AMENDING BILL

*Sir Hari Singh Gour*, moving that the amending Bill to the Indian Income Tax Act of 1922 be referred to a Select Committee, said that the intention of the Bill was merely to remove the most glaring defects in assessment and to bring the assessors under some popular and judicial control and hoped that the Bill would receive the general support and in some measure ameliorate the harshness and rigour of the taxing measure, whose unpopularity had been increased by the mode and manner of its administration.

*Mr. Mochensis*, moving an amendment for circulation, opined that it would be better if the opinion of the general public were available to the Select Committee.

*Raja Bahadur Krishnamachari* supporting the Bill asked the Government, while collecting the tax, which they did mercilessly, to adopt methods which did not annoy people.

*Mr. B. Das* said that if the Bill was changed drastically in the select committee, then it could be circulated, as at this stage the Bill as drafted met with the wishes of the great mass of people as well as the mercantile community.

*Mr. B. C. Sen* agreed with *Sir Hari Singh Gour* that there were vagaries and 'salum' in assessment everywhere, which required immediate remedy. He did not understand the move for circulation.

*Sir Alan Parsons* said that there was nothing in the present position, which justified a radical amendment of the law. The mover of the Bill made no attempt by any sort of the figures to make out a case for drastic alteration, and there was no mention in the Bill as to who was to appoint the assessors, and who was to decide whether there should be more than three or five assessors or points of that description. The provision of this kind would do away once for all with all the secrecy in the administration of income tax law, and it was for that reason that it has been opposed on so many occasions.

*Mr. B. K. Puri* said that the proposal would increase confidence if High Courts rather than the Income Tax Commissioners were to dispose of income tax appeals.

*Sir Hari Singh Gour*, replying to the debate, said that the present law was galling to the whole country and creating discontent. He concluded saying that the present procedure required a radical change and referred to the opinion of judges frequently calling a change in the law.

The motion for circulation was passed and the House adjourned.

## CRIMINAL CASES TRANSFER BILL

21st. SEPTEMBER :—A number of amendments to the Criminal Law Amendment Bill were brought forth and rejected by the House to-day. Some were not moved. *Mr. Haig*, moving the second reading, said that the proposed arrangements were valuable and surely needed for improvement in Criminal Procedure.

After lunch the discussion proceeded on the third reading of the Bill. *Mr. Navalrai* said that a very hard procedure had been laid down for the accused. By passing the measure the House would embolden the Government to bring a more stringent legislation. *Mr. Lahiri Chaudhuri* opposed but *Dr. De Souza*, welcoming the legislation, said that the right of transfer put into the hands of the accused and counsel a weapon tending to undermine the independence of a magistrate. *Sir Hari Singh Gour* said that it was in the interests of justice that the accused be not armed with a power to ask for frequent adjournments merely to delay justice, thus defeating its own purpose. He added that the select committee had necessarily to put a limit as the House had accepted the principle that frivolous and vexatious transfers should be discouraged. *Mr. Puri* asked the House to imagine the mischief that would accrue if every accused were given the right of adjournment, while *Mr. Mitra* said that the measure was a piece of panicky legislation.

The Bill was passed without a division.

## Criminal Law Amendment Bill

*Mr. Haig* next moved for the reference of the Bill to supplement the Criminal Law (better known as the Ordinances Bill) to a Select Committee consisting of *Messrs. Yashwanth Khan, B. C. Sen, Gaya Prasad Sinha, S. C. Jor, B. R. Puri, S. C. Mitra, Asafali, B. V. Jadhav, Sir Leslie Hudson, Sir Mahomed Yakub, Mr. N. N. Anklewala, Mr. Lahiri Chaudhuri, Diwan Lalchand Navalrai, Mr. C. W. Gwynne*, and the mover for report by November 7.

The Home Member spoke for 40 minutes and was cheered at the conclusion of his speech. At the outset he hoped that the House would give a fair consideration to the arguments of the Government on the Bill, which they believed to be in the interests of the country. The origin of the Bill was the Civil Disobedience Movement. When Mr. Gandhi, as the representative of the Congress, was sitting at the Round Table Conference, there were two very dangerous movements that were being started and encouraged. One was the no-rent campaign in the United Provinces and the other was the movement in a semi-military form started in the martial and inflammable North-West Frontier exhibiting defiance of authority. The action taken against these movements by the Government was met by a renewal of Civil Disobedience throughout the country. Hence several Ordinances were issued by the Governor-General, which expired in June, when they could not discard those weapons with which the movement was being fraught. Accordingly the Ordinances were promulgated in a consolidated form, which will expire at the end of the year. Civil Disobedience, if its manifestations had been much curtailed, and though its supporters had lost a good deal of the impetus with which the movement was started, was still in existence and none could prophesy when it would come to an end. It would not come to an end so long as its leaders still felt that there was any prospect of success.

#### COAL PURCHASE FOR STATE RAILWAYS

**22nd. SEPTEMBER** :—Discussion was resumed to-day on Mr. Ghuznavi's resolution for a board of management for the railway collieries and the purchase of coal. Mr. S. C. Mitra moved an amendment that a committee with a non-official majority be appointed for devising suitable ways for the better working and management of the State Railway collieries with a view to running them on commercial lines without prejudice to the present Government policy of coal purchase from the open market. Considering the amount of agitation on the subject, Mr. Mitra thought immediate investigation was necessary.

Mr. P. R. Rau, Financial Commissioner for Railways, replying to the debate expressed disappointment that Mr. Ghuznavi had not substantiated any allegations except that he had referred to some anonymous letters whose authors Mr. Ghuznavi would not mention. Mr. Ghuznavi had said that Mr. Whitworth received forty thousand rupees a year on commission for the purchase of coal, while the fact was that this money was credited to the Railway Fund. The speaker repudiated the charges of corruption and favouritism and contested Mr. Ghuznavi's view that contracts could be arranged cheap enough to save lakhs of rupees. Mr. S. C. Mitra's enquiry committee would not be necessary as the Public Accounts Committee could look into this matter thoroughly. He asserted that the Chief Engineer of Mines would continue to be the Railway Board's expert adviser and the Railway Board has been and would remain the final arbiter.

Mr. Ghuznavi withdrew his resolution in view of the Government assurance.

#### FLOGGING FOR CRIMES AGAINST WOMEN

Pandit Sen moved that the Criminal Law be revised to include flogging in the punishments prescribed for abduction and similar crimes against women, and the forfeiture of property in cases of repetition by old offenders.

Mr. C. W. Gwynne, opposing on behalf of the Government, said that the mover misunderstood the principle of law. In such cases as rape, it was punishable with whipping. But whipping is applied only to juvenile offenders. On the whole there had been little increase in the crime, and the existing law being adequate, the Government were not agreeable to enhance the punishment.

The resolution was lost and the House adjourned.

#### INCOME-TAX ACT AMENDMENT BILL

**23rd. SEPTEMBER** :—Sir Alan Parsons moved for leave to introduce a Bill to amend the Income-tax Act, 1932 (Second Amendment). Sir Hari Singh Gour opposed the motion for introduction. Sir A. Parsons said that the House had the option of getting the Bill circulated for eliciting public opinion, instead of opposing the Bill in the first stage. The Bill was then introduced.

#### MURSHIDABAD ESTATE BILL

Mr. Metcalfe, Foreign Secretary, introduced the Bill providing for appointment of a manager, on behalf of the Secretary of State, of the properties of the Nawab of Murshidabad and to define the powers and duties of the manager.

**WORKMEN'S COMPENSATION BILL.**

The House then proceeded with the consideration of Sir Frank Noyce's Bill to amend the Workmen's Compensation Act.

In the debate that followed Mr. Abdul Matin Choudhury and Mr. B. Das spoke regarding the amount of compensation. Mr. Thampian suggested that all work-farms keeping engines be brought under the scope of the Bill. Mr. Mitra supported the measure, but opined that the scope of the Bill was unnecessarily restricted, while the proposed scale of compensation did not do justice to labourers. Mr. Mody specifically objected to the higher scale of compensation laid down, as most of the labour organisations had already expressed the opinion that the present scales of compensation were adequate. Mr. Joshi protested against delaying the passage of the Bill and replied to Mr. Mody that the lower cost of living had already affected wages.

Sir Frank Noyce, replying to the debate, said that an opportunity would be given in the select committee for expression of the different points of view and that the Government attitude would be open to reconsideration.

The motion for select committee was passed.

**ASSAM ESTATE LABOURERS BILL**

The House then took up the Bill to amend the law relating to emigrant labourers in the tea districts of Assam as amended by the select committee.

Sir Frank Noyce referred to the nature of the amendments made by the select committee, and added that it was the Government's intention to bring into operation the Bill, if it was passed in this session, from April next.

In the debate that followed Dr. Ziauddin, while not denying comforts to labourers, pleaded for a limit so as not to increase the cost of production. Dr. Dalal, supporting the Bill, said that the principles of the measures ought to meet with the frank and cordial acceptance of the tea planters. Dr. Dalal said that the Bill was of indisputable advantage to the labourers as well as the planters. Mr. Milligan said that there was no provision that Government control would automatically end. He referred to the absence of unemployment in Assam, and said that the industry accepted the Bill. He urged a review of the legislation after five years.

Sir Frank Noyce said that the Bill was a compromise between the employer and the labour view, as it was intended to make the conditions of recruitment satisfactory. He could not promise its review after five years, but had no doubt that the future Government would keep a keen eye on its working.

Two formal amendments moved by Sir Lancelot Graham were adopted, and the Bill was passed amidst cheers.

**NARCOTIC DRUGS CONVENTION**

Sir Alan Parson's resolution urging ratification of the Convention for limiting the manufacture and regulating the distribution of narcotic drugs was passed.

The then House adjourned till the 26th.

**CHITTAGONG OUTRAGE CONDEMNED**

**26th. SEPTEMBER** :—Sir C. P. Ramaswamy Iyer moved the following resolution to-day: 'This House desire to place on record its feelings of horror and its strong condemnation of the terrorist outrage perpetrated on the night of Sept. 24 at Pahartali and requests the President to convey its deep sympathy with the families of the victims and the wounded persons.' Sir Ramaswami read to the House the details of the incident and the Bengal Governor's telegram on the subject. He concluded: 'Let us make it emphatically clear that we are horror-struck and that we denounce the crime and the motive of the crime in no uncertain voice.'

Members of all parties associated themselves with all that had been said by the leader of the House and added that such acts were certainly bound to retard the growth of responsible government in this country.

**Criminal Law Amendment Bill**

The House then took up the consideration of the Ordinance Bill.

Mr. Anklesaria moved for the circulation of the bill. He said the promulgation of the Ordinances had created deep feelings of discontent among the politically-minded people as the executive was usurping the function of the legislature. It

was necessary to ascertain public opinion. As for the merits of the bill he said it was time that the legislature should properly function and help the Government to enact measures to control the demoralised agitation. In other countries similar agitations had been met by a far more summary procedure than embodied in this bill.

Mr. Reddi was entirely opposed to the bill but in order to mobilise public opinion behind him wanted circulation. He quoted the Viceroy's speech in the Assembly to prove that civil disobedience did not exist, while enacting the bill would give impetus to a dying movement. He added it was not a repressive policy but mutual confidence that was necessary to take us to the end of our journey. He referred to the opinion of ex-Ministers and judges of Madras that repression would have disastrous consequences. He added that the present Assembly with a nominal non-official element was not justified in putting so many restrictions on the freedom of individuals. If the bill were passed, Government would be aptly termed despotic. The bill struck at the very root of nationalism.

Mr. Sadiq Hasan differed fundamentally from the way the Government tackled the problem of civil disobedience and said that the proposed legislation was worse and blacker than the Rowlatt Act which created a strong agitation. He said that the bill was a serious encroachment on the liberty of the people. Instead of crushing civil disobedience it would increase terrorism and give impetus to communism. Referring to the provisions relating to the press he said that the bill would strangle the press and asked if it was wise at this juncture to increase discontent. But if the bill was in the interests of the country the Home Member should not be afraid of its circulation.

Mr. B. R. Puri, on behalf of the Nationalist benches, said that he was opposed to the bill root and branch. He felt that the Home Member's admirable speech missed an important point. It failed to give them what brought about the civil disobedience and the circumstances which had forced the people to take to the only weapon which was the weapon of the weak. (Applause.) 'A British statesman had said: Either govern or get out. I say: Get out, if these are the laws by which alone you can govern.' (Applause.) He complained that the Government had been playing the game of hide and seek. He quoted Lord Irwin's speech in January, 1931 to show that the legislature must be taken into confidence the moment it met. Mr. Puri said if the Government were confident that the issue and reissue of ordinances was the correct procedure then they had no reason to risk a measure in the Assembly, and if they accepted that the procedure was open to serious constitutional objection, they should forthwith release all the prisoners undergoing illegal imprisonment.

**27th. SEPTEMBER :—**The Assembly continued to-day the discussion on the Ordinance Bill. Mr. B. R. Puri, resuming his speech discussed at length the proposed provision in the Bill in respect of public servants and contended that the provision was too wide and was likely to be abused and misused by the lower ranks, in whose hands the power was being put. He showed that the permanent law of the land as given in the Penal Code declared that if any person voluntarily obstructed a public servant in the discharge of public service, he would be punished with three months' imprisonment. On the other hand, this Bill provided that mere dissuasion of a public servant and mere inducement to disregard his duty is punishable with one year's imprisonment. Such drastic power was not considered necessary even during conditions of the Great war. What was worse was that these widest powers were to be handled by the magistracy from whom they could never expect justice. Continuing, Mr. Puri raised an important constitutional issue and said that the Government of India Act had given power to the Indian legislature to legislate and that power can not be delegated to any agency to supplement their own power, which is given exclusively to them. This Bill as well as the Ordinance which it would replace gives to the Governor-General in Council power to declare an association unlawful. He declared that the Criminal Law Amendment Act, defining what constituted an unlawful association, acknowledged the fact that the legislature must lay down specifically these definitions. The proposed provision in the Bill was thus 'ultra vires' of the Government of India Act.

Mian Shah Nawaz said that these Ordinances were fleeting ephemeral things as compared to power. They wanted to mend or end these laws. Government was, however, entitled to maintain law and order until the new constitution could proper-



ly function. But he did not agree that the Bill should be placed permanently on the statute book.

Mr. *Rahgib Singh* said that his party generally favoured reference to the select committee.

*Sir Mohammed Yakub* complained that the Assembly was not consulted at the time of the issue and reissue of the Ordinances but hoped that the members would now realise the responsibility placed on their shoulders. He said that Civil Disobedience had "paralysed trade and upset social order as was clear from the riots of 1930 and 1931. But if there was less crime in 1932, it was solely because of the prompt promulgation of the Ordinances." He urged the House to accept the principle of the Bill (applause).

*Captain Lalchand* was sure that Mr. Haig would show magnanimity in the Select Committee and meet the point of view of the Opposition.

Mr. *Harbilas Sarda* said that everybody was agreed that the Criminal Law was not only sufficient but in some cases excessive. Civil disobedience was a temporary movement and there was nothing to show that this would last for ever. In order to deal with this malady, such a big legislation was unnecessary. He had no hesitation to conclude that it was designed completely to control the whole public activity.

Mr. *Dumasia* agreed that exceptional circumstances existed in the country at present for which the Congress was not wholly to blame. He, however, requested the Government to limit the period of operation of the law, as otherwise it would be a constant source of irritation, agitation and discontent throughout the country.

**28th. SEPTEMBER :—***Sir Harisingh Gour*, Leader of the Opposition, in opening the debate to-day, contended that the Bill offended against fundamental laws and was repugnant to provisions of the Government of India Act. It was attempted to over-legislate for an evil which at the present moment was disturbing the peace of the country. *Sir Harisingh* took fourfold legal objections. Firstly, the penal code was a punitive and not a preventive legislation while this Bill was preventive; thus the Bill was creating a new offence and was against the principles of criminal jurisprudence. Secondly, it was prescribing a new criminal procedure for the land by making offences cognizable and non-bailable and arming third class Magistrates with powers which the ordinary law did not deem them fit to discharge. Thirdly, it was providing for forfeiture of property which provision the Assembly had at the earliest opportunity thrown out of the statute book as being repugnant to modern conscience. Fourthly, the Bill asked the House to stultify itself by re-inserting the very provisions of the Press law which it threw out while passing the Emergency Press Act a year ago. He, therefore, urged the Government to withdraw the present Bill and redraft it and bring the matter up in the November session.

Mr. *H. P. Mody* said the Bill was thoroughly unsound in principle though it had been introduced by the Home Member in a speech admirable in tone and temper. He admitted that a special situation required special measure. Just as the curfew order was imposed to meet civil disturbance, similarly the justification for the ordinance was the special emergency. But, he asked, if the Government had so far carried on with the Ordinances, why should it not continue to do so hereafter. Measures for special emergency are limited in duration.

*Sir B. L. Miller* admitted that the law was liable to abuse but the real point was the pressing necessity for it and they were anxious on the Government side to meet that necessity in the least objectionable way. He said there was no deviation from the fundamental principles of law. As regards liability of parents for offences committed by children, a similar law existed in England and other places. The provision against the boycott of Government servants was not to create statutory affliction for the police but to prevent harassment and coercion. He admitted that the picketing section had a wide range but it could best be discussed in the Select Committee. As regards unlawful association, he referred to Mr. Puri's contention that delegation of power to the Governor-General in Council was *ultra vires*. He declared that since 1908 the local governments had possessed the power to declare an association unlawful and the Bill proposed merely to extend to the Governor-General in Council powers authorised by the Act in the case of the Governor in Council. They were not giving power of legislation but delegating powers of appli-

cation in a particular area. Continuing Sir B. L. Mitter said that the forfeiture of property clause had been criticised on the assumption that the forfeiture of private property of an individual was proposed, whereas the property that came under the Bill was the property of an unlawful association used in the furtherance of its objects. Referring to Mr. Puri's contention that the Bill transgressed the provisions of the Government of India Act, the Law Member failed to see which part of the Bill was repugnant to any parliamentary Act. Sir B. L. Mitter concluded by saying that it was not Government's intention to curtail individual freedom, but to adjust it to the needs of the society.

Mr. F. R. James (Madras) supported the Bill and urged its reference to select committee. He supported the provision of the protection of Government servants from intimidation and social boycott and quoted the Congress Working Committee's resolution condemning such boycott and intimidation as opposed to non-violence.

Sir Zulfiqar Ali hoped that the Bill would emerge from the Select Committee in a more presentable shape and chastened in spirit. He said that the occasion demanded an examination of the situation more dispassionately and calmly and the co-operation of the Assembly was most essential for the welfare of the country.

Mr. K. C. Neogy opined that the principle underlying the Bill was a substitution of the rule by law. Mr. Neogy said that if the Congress had the same stronghold on the people as before the Ordinances, then the Ordinances had failed and if it was less there was no justification for re-enactment.

29th. SEPTEMBER :—Mr. K. C. Neogy, continuing his speech to-day, described Mr. Churchill as one of the great conspirators for Ordinances. Mr. Neogy confessed if the Ordinances were withdrawn and Indians were given control of the administration, there would be weakening of the terrorist movement. He agreed with Mr. James that there was difference between passive resistance and civil disobedience. The forms which civil disobedience had assumed recently like tempering with public servants, boycott of Government servants and utilisation of immature boys for political propaganda, required checking in the interests of ordered progress of the country. If, in the opinion of the House, the Bill required to be limited in duration, then I'm assured that the Home Member, with his spirit of political accommodation, would agree to any considered proposition. If the House was satisfied that the evil was there, then it should take the responsibility for checking it.

Sir Abdur Rahim, leader of the Independent Party, said that Sir C. P. Ramaswamy Iyer had spoken with an amount of enthusiasm which surprised the speaker. The Bill, offended against criminal jurisprudence and took away the cherished rights of citizens. He contested the view of the Law Member that the principle of the Bill was to fight against certain manifestations of Civil Disobedience. It was directed against the movement itself; whilst what Government could ask them to consider was merely for power to suppress certain acts and not the movement. As regards certain acts, said Sir Abdur Rahim, the ordinary law gave them enough power to deal with criminal conspiracies, sedition, unlawful assemblies, and there was Section 144. Had not the 1922 movement been fought with these special powers and with the aid of the ordinary law? There might be lacuna in one or two places in the ordinary law, but it was sufficient to deal with unlawful acts. Sir Abdur Rahim emphasised that there was no appeal to law against forfeiture of property and the Bill gave powers and privileges to public servants which were denied to any other law-binding citizen. He added that the bill was highly objectionable and should not be passed. In his opinion constitutional advance was the only remedy for Civil Disobedience. He complained that British Government had done nothing to uplift the masses. If the Government had initiated proper measures in that direction the demand for political power would not have been so insistent at present. Sir Abdur Rahim concluded that this was not the sort of law to be accepted by the country and it was not fair on the Government's part to thrust it.

Sardar Sant Singh stressed that the maintenance of law and order was only a secondary function of the Government, the first being public weal. In India the reverse has been the case, hence the discontent. Sardar Sant Singh said that to give power to the Government to crush Civil Disobedience would be to provide more

feeders for the movement. The only real remedy was to hurry forward with constitutional advance. He opined that the ordinary law of the land was quite sufficient to meet the abnormal situation and supported the circulation motion.

*Major Ahmad Nawaz* said that Government had done a great service to peace-loving and law-abiding citizens by bringing forth a very useful and much needed bill.

*Mr. Munshi* said that the Government had done wrong by putting Mahatma Gandhi into jail and removing his wholesome influence. It was the terrorists' belief that they had given Gandhiji a chance to gain the end by non-violence and that he had failed. This bill would make it impossible for any one to live without being at the mercy of petty officials. The Government was disfiguring the Penal Code which was a monument to British jurisprudence and justice.

#### BENGAL TERRORIST OUTRAGE—ADJ. MOTION

As the clock struck four *Mr. Morgan*, the leader of the European group, moved : "This House do now adjourn." He said that this was not a censure on the Bengal Government but intended to show that the Bengal Government had not sufficient powers to check terrorist movements of this description. The attack made on Sir Alfred Watson when he went out for a drive last evening showed that it was not the method of a gangster. "This is a new method of murderous attack. I do not remember in my long experience any attack of that description being made." The Bengal Government was concentrating its activities to suppress such crimes. He did not see how any other part of the administration was going to function successfully so long as such crimes were prevalent in the province. *Mr. Morgan* contended that education in Bengal was not being run satisfactorily. It was a matter of investigation whether the Bengal Government should not have more powers over schools and colleges in regard to their discipline and administration. "I would ask the honourable members to read the correspondence between the Government and the Calcutta Corporation on the subject. It has been alleged that in the Bengal Provincial Congress Committee there have been persons connected with the terrorist movement, persons who have been convicted for a terrorist crime. If this is a fact, I would ask the Government to lay those facts before this House. We have heard a great deal about the freedom of the Press. Sir Alfred Watson is the Editor of a paper well known to us. Is this the freedom of the Press that the editor, merely because he voices his opinion which is not palatable to some sections, should be shot, if possible murdered? Is that the freedom of the Press? Is it not worse than the Bill before this House?" *Mr. Morgan* quoted from Mahatma Gandhi's writings to the effect that "so long as these outrages are tolerated publicly and not condemned in action rather than in speech, and the Government not assisted in bringing the offenders to book, these outrages would continue even with self-government or with complete independence." *Mr. Morgan* added that public opinion and public action in this country is a method by which the terrorist crime will be suppressed.

*Mr. Ranga Iyer* described the outrage as abnormal and sympathised with the feeling of Europeans. Sir Alfred Watson, he said, is a friend of the Indian cause and an advocate of progressive reforms. *Mr. Morgan* said : "Don't go forward with reforms for Bengal." If there were no reforms then they would be thrown into the jaws of terrorists. Terrorism could be met only by rousing public opinion. Terrorism stood in the way of constitutional growth, but any blocking of reforms would mean more terrorism. If there were real reforms then, instead of the European Home Member putting down the terrorists, it would be Sir Abdullah Suhrawardy or Mr. S. C. Mitra. Let the repressive measures be withdrawn, let Mahatma Gandhi, the greatest policeman in the British Empire, be released and with his help they could put down terrorism.

*Sir Muhammed Yakub* feared that terrorism which was originally directed against officials was rapidly spreading against non-official Europeans and wondered if the British Government, who spend more than seventyfive per cent of the revenues on military and police, had ceased to function.

*Mr. B. Das*, as a co-journalist, sympathised with Sir Alfred Watson and associated with *Mr. Morgan* in condemning terrorism.

*Mr. Morgan*, feeling satisfied with the attitude of the House, asked leave to withdraw the motion and at the same time hoped that the members would discuss the situation with the European Group.

The motion was withdrawn and the House adjourned.

**30th. SEPTEMBER :—**The Assembly met to-day to conclude the debate on the Ordinance Bill. Mr. *Jehangir Memon*, continuing his speech, said that the passing of this worst piece of legislation would bring the British Government into contempt. He wanted that the British and Indian elements should combine to eradicate the evil of terrorism. There was the British terrorism in the form of suppression of public opinion and there was the Indian terrorism of which they had recently seen a manifestation. But the present bill was hardly the weapon to put down terrorism.

Mr. *Joshi*, declaring himself a non-Congressman and a non-communalist, opposed the bill, which he described as introducing terror throughout the land and cutting at the root of liberty and freedom. The Government had made it abundantly clear that they would be influenced only by the method of non-co-operation. Was it not after the non-co-operation of Sir Tej Bahadur Sapru that they restored the Round Table Conference method? The Congress had the sympathy of the people throughout the country. Speaking from his knowledge of Bombay, he said that those who did not sympathise with the Congress still gave funds to the Congress because there was a feeling that the Congress was being humiliated and crushed by the Government. The passing of bills like this would only add to that sympathy. Mr. *Rajagopalachari*, the chief lieutenant of Mahatma Gandhi, had declared that the Congress would not stand on prestige if the Government wanted co-operation. Let, therefore, the Government give up these repressive measure and release the political prisoners and thereby pave the way for conciliation with the people.

Mr. *Shafi Daudi* agreed that there were objectionable manifestations of civil disobedience which required to be checked, but the present bill was not only for the present emergency to meet those manifestations but also for all future activities. Hence he could not support the bill as it was.

Mr. *S. C. Mitra* regarded the movement as transient. The remedy for the disease should be such as not to offend popular opinion. He quoted instances to show abuse of power by the police and the executive authorities in working the Ordinances.

Sir *Abdullah Suhrawardy* said that communism, terrorism and civil disobedience had been disturbing the peace and tranquility of India. Civil disobedience was an article of faith with Mahatma Gandhi and would not die so long as he lived. Sir *Abdullah* opined that Ordinances and *firmans* were more in keeping with the spirit of the East than legislation passed by a legislative assembly. He agreed with Sir *Mohammad Yaqub* on the danger to the country resulting from the rejection of the bill. Sir *Abdullah* declared that the Ordinances had failed to achieve the object so far as terrorism in Bengal was concerned and legislation embodying their provisions would make no difference.

Dr. *Dalal* said that the Government were compelled to promulgate the Ordinance for the maintenance of law and order and opined that the bill was required for the suppression of a lawless movement and protection of individual liberty.

Mr. *Jadhav* was completely opposed to the bill and said the Government were anxious to place the bill permanently on the statute book now as there would be no change for such stringent legislation in the future councils.

Mr. *Ranga Iyer* strongly criticised the Government policy behind the bill and warned the Government that if they did not suitably amend it in the select committee, then the real fight would begin in this house. He took exception to the provisions for greater control of the press and said that the Government had no justification for going behind the back of the Assembly and issuing the Press Ordinances, nor for their now trying to place it on the statute book as permanent legislation. The terrorist press could never be suppressed by such legislation because the terrorists conducted their propaganda through leaflets and it was difficult to trace where they were printed and by whom.

As for communism, this was opposed to the very religion and culture of Hindus and Muslims. If there was communism from Moscow behind the no-rent campaign in the United Provinces, how many taluqdars went in deputation before the Governor? As Sir *Ramaswami Iyer* had said yesterday, neither the Congress nor ideas could be crushed. Only constitutionalism would suffer a set-back if such bills were proceeded with. The Government could still retrieve their blunder by reviving the spirit of the Irwin-Gandhi pact.

Mr. Haig replying to the debate, referred to the charge that this bill was intended in some way to impede the coming new constitution and said: 'That is the last thing we have in our mind. What we feel, on the contrary, is that these powers are intended to restrain the civil disobedience movement as nothing could be more disastrous to the new constitution than the success of civil disobedience, which will be a deadly blow to the working of any free constitution in future. The leader of the Nationalists and others have said that repression is no cure. If by that phrase he refers to broad political problems that repression is not a cure for political unrest, for political aspirations and for the rising tide of political consciousness, I entirely agree with him (applause) and His Majesty's Government entirely agree with him. Repression in that sense is not, and has never been, our policy, but we must distinguish between concessions to political development and concessions to political lawlessness.' Mr. Haig proceeded to say that those who had contended that civil disobedience was a reaction against an illiberal policy were forgetting what had happened during the last two or three years. He recalled Lord Irwin's announcement of November, 1922, about the R. T. O. but in December that year the Congress decided to keep away from that conference and to ask for independence or the shadow of independence. 'I have always regarded that decision as one of the tragedies in the recent history of India. Mr. Gandhi has stated in his letter to Sir Samuel Hoare that he regarded civil disobedience as an article of faith. It is possible that that gives a clue to the action which has been pursued in the last two years. Where faith comes in, reason goes out (applause on the Government side of the House) and it may be that Mr. Gandhi has been hypnotised by the previous success of a particular method. But in my judgment we must prove to the people that civil disobedience is not the panacea for political problems. We must show that it is a discredited political weapon and we must endeavour to break it.' Mr. Haig contended that rather than these powers rousing popular bitterness, they had quite the contrary effect as was shown by the past nine months' experience, when even more drastic powers had been in operation. He did not agree that civil disobedience had collapsed, but maintained that if the powers were used with caution and moderation they might be able in a comparatively short time to see the end of the civil disobedience movement, but if they weakened there might be a further revival. Replying to the question why the bill had been brought before the House, Mr. Haig said: 'It is clear whether we like it or not, it is our constitutional duty, if we want to get these powers, to put our bill before the House and ask them to grant these powers. The principle of the bill is to counteract certain definite manifestations of civil disobedience. Our object is to keep these in check.' As regards the suggestion that the Government should show an accommodating spirit in the select committee, Mr. Haig said: 'We would not fail to meet in a fair way fair argument, but I must make it clear that the Government would not be prepared to accept, as fulfilling the object of this bill, any pale shadow of the provisions which we have inserted. (Applause.) We must be satisfied that the efficacy of the essential powers is not impaired. Within that limitation we are perfectly prepared to argue the matter out whether certain powers are widely drafted and arrive at a satisfactory solution.'

The motion of Mr. Sadiq Hasan for circulation by January was put and rejected without a division. A motion for circulation by Nov. 7 was put and rejected by 63 votes to 32, and the motion of Mr. Haig for a select committee was carried by 64 votes to 32. The House then adjourned till the 7th. November.

## Special Session—New Delhi, 7th. November 1932

### Debates on the Ottawa Agreement.

The special session of the Legislative Assembly summoned to consider the Ottawa agreement and the Ordinance Bill opened at New Delhi on the 7th. November 1932.

Sir Joseph Blore moved the following resolution:—'This Assembly accepting the trade agreement made by the Government of India with His Majesty's Government in the United Kingdom which was signed at Ottawa on August 20 and the supplementary agreement regarding iron and steel contained in the correspondence between Sir George Rainy and Sir Horace Wilson, dated Sept. 22, recommends to the Governor-General in Council that he do introduce in the Indian Legislature

at the earliest possible moment such legislative measures as may be necessary to give effect to the agreement in question."

Moving the resolution, Sir Joseph Blore, Commerce Member, began by appealing to the House for an unbiased and unprejudiced examination of the results of the recent Imperial Economic Conference so far as they concerned India. He assured the House that so far as the Government of India and their delegation were concerned, they were dominated by one idea and one idea alone, namely, to place India and India's interests before everything else and he claimed that in the agreement which had been arrived at this idea had been fulfilled. He set three general questions which covered the whole field and then proceeded to furnish replies to them. These questions were firstly, 'why did we go to Ottawa?' secondly, 'what exactly did we get at Ottawa?', and thirdly, 'why should we accept the agreement?'.

Taking the first of these questions, he traced the changes in the fiscal policy of the United Kingdom and drew attention to the fundamental changes which had taken place in that policy early this year. The Import Duties Act placed the fiscal relations of the United Kingdom and the empire countries on an entirely altered basis. As a result of this change India was faced with a new situation. She could either have ignored the consequences of the Import Duties Act or she could have entered into a discussion of a possible trade agreement with the United Kingdom and thus avert such consequences to her trade as might in the normal course have been expected to follow the imposition of British tariffs. The Government of India chose the latter alternative.

Having regard to possible losses to India's export trade through the new British duties, he maintained that no Government could possibly have refused to enter into negotiations consistently with its duty to safeguard the interests of the country. He pointed out that it was impossible, in view of the conditions of the problem, at this stage to arrive at a mathematical calculation of even approximate accuracy. But while he would not attempt to guess at any figures of possible losses, we would try to satisfy the House through an examination of a few typical commodities how real and substantial was the gain to India's trade offered by the new fiscal policy of the United Kingdom. Sir Joseph then proceeded to state a few typical instances, namely commodities in which the chief competitors were the colonies and the protectorates, commodities like lac wherein though India possessed a virtual monopoly yet she ran the risk of losing her trade through the competition of substitutes.

Lastly he took the case of tea, the largest single item of export to the United Kingdom amounting in value to about £20,000,000 annually. In the case of tea he asserted that without preference the industry might possibly have been set on a path of irretrievable disaster. In regard to the theorem that the British Government would not have allowed the interests of the British planters to suffer, he pointed out that such an argument might equally apply to the dominions and thus would have reduced the new British fiscal policy to one great bluff—an absurd assumption.

The Commerce Member then pointed out the disaster to the industry of India which could not stand equal competition with Java in the lower grades and could not face preference on Ceylon tea. If India were excluded from it, it meant not only disaster to British capital but to a considerable amount of Indian capital and Indian labour and to the country generally. He gave, as an instance, the fact that statistics of expenditure of tea companies showed that some of them spent no less than 72 per cent of their gross earnings in the country. The Government, therefore, could not possibly look with equanimity on the disaster overtaking the tea industry of India. He also pointed out that whether, as critics had estimated, India's loss of trade would amount to 8 or 10 crores if they had refused to enter negotiations for a trade agreement or, as he believed, would have been infinitely more, the Government could not have possibly allowed that loss of trade nor could they have refused to avert the blow involved for the agricultural and industrial classes of the country.

He pointed out that no less than 16 foreign countries had, as a result of the Import Duties Act, asked the United Kingdom to enter into reciprocal trade agreements and he argued that this fact was presumptive evidence that the consequences of the new British fiscal policy could not possibly have been ignored as hostile critics obviously would have wished the Government of India to do.

The Commerce Member then went on to give a brief summary of what exactly were the preferences which were proposed to be given to Great Britain and what India would get in return. In regard to the former, he laid special stress on important limitations to the grant of preference under schedule F, which had the effect of carrying out the accepted national economic and industrial policy, which was to ad-

mit for certain national reasons certain categories of articles of free or at exceptionally low rates. He emphasised the fact that this was not a question of imperial preference but a plain business proposition, and showed that 55 per cent. of India's import would still be outside the scheme of preferences.

He then proceeded to rebut the criticism to the effect that the preferences which India had received were of little or no value. He took a few typical instances and showed to the Assembly the preferences in respect of articles like vegetable oils, oil-seeds and rice. As regards the preferences exchanged between India and the colonial empire, he said that while they might not yield great results at once, they held out a promise of considerable development in future in the market for Indian manufactured goods like cotton piecegoods, yarn, iron and steel in those areas.

The Commerce Member finally turned to the question why the agreement should be accepted and replied to certain arguments that had been advanced in favour of rejecting the agreement. These arguments were merely based on two grounds: firstly, that the losses accruing from a possible failure to enter into a trade agreement were not likely to be heavy and, secondly, that the preference given by India far exceeded those which she would get in return. In regard to the first, Sir Joseph Bhore pointed out that even on the showing of hostile critics trade of considerable magnitude was involved, and India could not possibly have lightly afforded the loss of that trade. As regards the attempt to evaluate the preferences, he pointed out that little reliance should be placed on attempts to arrive at accurate mathematical estimates at this stage. All that could be said was that *prima facie* both parties stood to gain from the agreement, but that if, as a result of actual experience over a period of time—and this was the only reliable guide—India found that she had made a mistake and that her anticipations had not, having regard to the growth of her trade, materialized, if the price paid was too high or the loss occurring from the action of foreign customers outweighed the benefits from the agreement, then, as it was open to Great Britain, so it was open to India to terminate the agreement at six months' notice. He claimed that a fairer or more reasonable proposition could not have been placed before the House.

#### DR. ZIAUDDIN'S AMENDMENT.

Dr. Ziauddin was the first non-official to speak on the resolution of Sir Joseph Bhore. Dr. Ziauddin moved an amendment that for the original resolution the following be substituted:—

"That the Ottawa trade agreement between India and other countries of the British Empire be referred for scrutiny and report to a committee of the Assembly consisting of Sir Joseph Bhore, Dr. D. B. Meek, Sir Hari Singh Gour, Mr. Shanmukham Chetty, Mr. B. Das, Sir Abdur Rahim, Mr. Sitarama Raju, Haji Abdullah Haroon, Sir Zulfiqar Ali Khan, Mr. G. Morgan, Mr. Yamin Khan and the mover with power to co-opt not more than six specialists including persons interested in industries affected by the agreement and to avoid dislocation in trade, this Assembly recommends to the Governor-General in Council not to introduce the bill to amend the Indian Tariff Act (1894) till the report of the committee has been adopted by the Assembly."

The amendment further requested the Governor-General in Council to urge on the British Government to suspend the operation of the Import Duties Act till the Assembly had given its decision on the agreement.

He said that for a thorough scrutiny of such a controversial subject the Assembly was not the proper body. Such work could be done better and with more advantage in a committee as suggested in his amendment.

Quoting figures the speaker showed that England and not India was in greater need of protection and wanted the Government to tell the House how the Ottawa agreement would affect the unfavourable balance of trade of the country. He held the need of India was the fixing of prices at a slightly higher level but the Ottawa agreement would lower them still further. Dr. Ziauddin also wished for information as to how the agreement affected Indian trade with countries outside the British Empire. Personally, he was not opposed to the agreement but felt dubious of its advantages when India could not compete with Australian wheat in the Indian market. He, therefore, urged for full opportunities for examining the agreement which would be possible under this amendment.

**MR. B. DAS'S AMENDMENT**

*Mr. B. Das* moved an amendment urging, (a) India was not prepared to consider any proposal for reciprocal trade benefits with the United Kingdom till she was not given responsible self-government and (b) to convey to the Colonial empire that no trade agreement would be entered into or tariff concessions granted to any Colony which did not concede to Indians settled in their territory equal rights of citizenship.

*Mr. Das* said the whole country was in a mood of cooperation with England but on equal terms as partners, and not as a subject race. He regretted that Indian delegates forgot this political aspect of the case. The speaker quoted from the Fiscal Commissions' Report that the principle of reciprocity in trade with England could only be considered when India stood on equal footing with the other members of the empire and 'India cannot accept the principle of Imperial preference till she enjoyed full responsible Government and an agreement was made by the elected representatives of India'. These conditions, he said, were lacking in the case of India. The speaker lodged a protest against the assertion that India had accepted the principle of discriminating protection as operative in the case of steel and cotton industries. He asserted that India had not been a party to any such policy.

**MR. SITARAMA RAJU'S AMENDMENT.**

*Mr. Sitarama Raju* moved the next amendment which wanted examination of the agreement by the Tariff Board before the same was accepted by the Assembly. He claimed that those who signed the agreement on behalf of India were representatives of the Government of India which was not responsible to Indians but to the British Government. It was essential that the House should have been placed in a position to examine fully the agreement but this had not been done. This was one aspect of his demand the other being the recommendation of the Fiscal Commission which stated that before the principle of Imperial preference was accepted by India it should be referred to the Tariff Board. *Mr. Raju*, disputed the assertion that the agreement could be terminated very easily by six months' notice. He wanted the House to realise that it could only be done by an act of the Indian Legislature which meant its passing by the Assembly, the Council of State and assent by the Governor-General. Their experience of the Council of State had not been very happy in the past and he was not very optimistic about the future constitution with a Conservative majority in Parliament. He held that once the agreement was entered into attempts to terminate it would be met by statements that such attempts were likely to disturb price levels and the budgetary position of Government. *Mr. Raju* contended that India's trade relations with foreign countries were totally ignored at Ottawa. The statement of Sir Joseph Bhore that 16 foreign countries were seeking terms with his Majesty's Government would only show that they could not say what the Indian position would be after those agreements.

**8th. NOVEMBER :—***Mr. Arthur Moore*, leader of the European group, was the first to speak on the Ottawa agreement to-day. At the outset he emphasised the fact that the Assembly members themselves felt responsibility in the matter and that there was no question of certification or any other process which could be restored to by Government, as had happened in the past when certain decisions were taken by the Assembly by way of a political gesture. He opined that the Ottawa agreement would result in a greater volume of trade throughout the world and enable it to recover from the present economic depression. While supporting the principle of the agreement he wished it to be understood that the European group reserved the right of criticism in regard to detail of the Tariff Bill. There was the definite and decisive fact, proceeded *Mr. Arthur Moore*, that Great Britain had changed her policy from free trade partly because of the example of her own Dominions and India and partly also because after the war France refused reparations from Germany in the form of goods and services and America similarly refused to accept payment of the war debts in goods and services. Hence, they found that all Governments were being compelled to balance their budgets by attempting to diminish the margin between imports and exports and Britain had decided to put into operation the Import Duties Act from the 15th instant. In so far as it was a retaliatory measure, it was chiefly aimed at foreign manufacturers who competed with British manufacturers. Dominions had, however, urged a right to ask that as they belonged to the empire they should be



shown special preference, especially in order to provide an economic link within the British empire. It was striking that no part of the empire had suggested that it was either not profitable or desirable to enter into that agreement. And Mr. De Valera, even in his latest taxation to save Ireland from economic difficulties, had been careful to give a preferential rate to great Britain and the Dominions and still hoped that Ireland would be included in the Ottawa system of preference whatever his quarrel about land annuities might be. The idea that England's difficulties were India's opportunity seemed to be fundamentally incorrect. This was an attempt at world recovery from the great depression which had overtaken all countries including India, add if we decided to take no part in it we must be prepared to see our trade and commerce run in narrow and sandy channels instead of as a great river full at all seasons, winding safely to the sea.

Mr. B. N. Misra failed to understand the object of the Government for so much hurry on the question. He wondered what would be the fate of India's vast export trade with other foreign countries, if imperial preference was accepted. The speaker pleaded for the postponement of decision pending the consideration of the whole question by an expert committee.

Mr. A. Das quoted a large number of extracts from the opinions of leading Indian merchants and associations against the agreement.

Mr. S. C. Sen referred to jute and lac, which were the monopoly of India, being included in the agreement and said that there was absolutely no justification for the Government's inordinate hurry in dealing with such a vital question. He recommended that the usual practice of referring such questions to the Tariff Board was a better course at present. Concluding, Mr. Sen complained that a similar opportunity was not given to India's delegates as in the case of the delegates of the Dominions and Colonies.

Mr. Jagannath Aggarwal asked what advantage would India get by losing her foreign customers and providing opportunity to England to import cheaper Indian raw produce and then ship them to foreign countries. He held that the House was not asking too much when it wanted the matter to be examined by the Tariff Board, for the policy was one that would bind the future generations. England had taken years of expert enquiry and study before launching on the new fiscal policy, while India was being rushed into it without a detailed examination by experts. He held that the argument that the agreement could be terminated at six months' notice should not mislead the House. Once the agreement was endorsed various trade interests would grow from it and the trade would be so diverted that it would be difficult to change that course later.

Mr. Ranga Iyer opposed the agreement as he feared that it would act like a boomerang on India, if agreed to. Foreign countries might retaliate against India. India had several foreign countries as customers of her produce. So a purely trade view of the agreement should be taken and voted upon. Taking the iron and steel industry, to which the Assembly had not hesitated to grant protection in order to place that Indian industry on a level with that of other countries, the Ottawa agreement would cripple its development. Why should steel bars under a pretext be exported to England to be converted into galvanised sheets and why not that process be further developed here? If the rest of the world was excluded from the economic agreement the capacity of that world for purchase would be lowered and the depression would become deeper. His quarrel with the Indian delegation was that they had bungled in the choice of articles for preference like jute and tea in which India enjoyed a monopoly.

Mr. A. Hoon hoped the Commerce Member would not grudge to accede to the wishes of the Opposition who only pleaded for sufficient time to consider the question. He asked what was the hurry while the Commerce Member himself had said that the British Imports Act would not come into operation before November 15. Even if it was otherwise, India being the biggest market for British goods could easily ask for time. Referring to the tea industry, Mr. Hoon held that it was entirely in the hands of foreigners and there was not much gain for India. Concluding, the speaker said if once the agreement was accepted it would be difficult to rescind it after passing through the upper House.

**24th. NOVEMBER :—**Mr. Shanmukham Chetty, the Indian delegate to Ottawa led the debate to-day amidst cheers and made a speech lasting for forty minutes in which

he attempted to remove what he said were genuine misapprehensions and misconceptions. He dealt with the subject showing first the historical background, then the aims kept before them by the delegation and the economic value of the agreement and ended by giving a fighting reply to the Federation of Indian Chambers and accusing Prof. Vakil of being ignorant in his criticism of the Ottawa Agreement. Mr. Chetty claimed that from 1903 to 1930 the Government of India's policy had been not to participate in any general scheme of Imperial preference. He defined Imperial preference as understood in the past and added: 'That policy of Imperial preference is as dead as Queen Anne (Government side applause). The question we faced was whether it was not possible by mutual reciprocal tariff preferences to improve the trade of different parts of the empire and thus to help ultimate world trade recovery. Mr. Chetty said the delegation's report had been criticised for their remark that the question before them was what India stood to lose. Mr. Chetty, said that the remark was put to justify India's participation in the Conference, (Hear, hear,) and not to justify the agreement whose claim for acceptance was that it would lead either to the retention of the existing trade or an expansion of trade. It had been said both on the floor of the House and outside that India had nothing to gain by preference on raw jute. Mr. Chetty said: 'My answer is that no preference has been secured for raw jute under the agreement.'

Continuing, Mr. Chetty said that the aim they had in view was to secure trade in the United Kingdom capturable by India from foreign countries. He added: 'But as a businessman I know I can not get something for nothing, but in considering what we were prepared to give in return, we had to keep in view firstly, that customs is our chief source of revenue, secondly, the policy of discriminating protection and thirdly, that it is in the national interest to import certain cheap commodities. We succeeded in keeping up to the very last our attitude and we have guaranteed to British imports only a certain margin of preference and with regard to our protected industries we did not yield one inch. Our pleading was such a tremendous success that in the end the British delegation was forced to admit not merely that our contention was correct but that our policy of discriminating protection was such that other Dominions might well copy it (Applause).'

Mr. Chetty next referred to the economic value of the agreement. He said he had no answer for an argument like that advanced by Mr. B. Das that nothing should be done in such a sphere till India had free institutions but the agreement should be considered on merits by those who were interested in the expansion of India's export trade without retrading her industrial progress. He said that in the case of the tea industry the consideration that prevailed with him was that it had about five crores of Indian capital invested in it, that it provided employment to a million and that its ruin would lead to the financial breakdown of the provinces of Bengal and Assam. 'I did not wish to cut my own nose to spite the face of Britishers. (Applause.)' In the case of this industry preference would enable them only to retain the present market in the United Kingdom against serious competition from Java and Ceylon. In the case of other commodities it would lead to an expansion of trade. He said England bought yearly 9 million worth of vegetable oil of which India supplied only one per cent. and Ceylon three per cent. and the rest was supplied by non-Empire countries. 'Here is a British market of incalculable value to be captured by 15 per cent. preference. Similarly, the United Kingdom buys only 26 per cent of rice from us and with 50 per cent. *ad valorem* preference on rice we have an immense market to capture. We have the capacity to enlarge our production so that it will not be a case of diversion of trade but of expansion.'

Mr. Chetty said those who argued that the agreement would mean a death-knell to industries flourishing under a revenue tariff forgot that there was nothing to prevent their moving such amendments to the tariff schedule as would retain the present duty on British goods and raise it by a further ten per cent. against foreign goods. He had not yet come across any constructive criticism. 'We might have committed an error of judgment, but tell us where.'

Mr. Chetty finally dealt with his critics, of whom he selected the Federation of Indian Merchants' Chamber which he said was supposed to represent an Indian commercial body. Mr. Chetty said: 'This Federation consists of a clique of super-patriots who have so far identified themselves with the interests of India that their own personal interests and the interests of India have become synonymous terms. (Laughter and applause from Government side). Naturally when they examine the agreement they apply the criterion, they are familiar with—is it going to benefit them personally? and as they find it does not, they come to the conclusion that India cannot be bene-

fitted.' Mr. Chetty next dealt with Mr. Vakil's pamphlet which had been adopted by the Federation on the ground that the Government had not issued a communique controverting the figures given in that book. "May I enquire if Mr. Vakil says the population of India is 750 millions and the Government of India does not issue a communique contradicting it, the Federation will take it that the population is what Mr. Vakil says" ? (Laughter and applause on Government side). Mr. Chetty said that Mr. Vakil had made an error in respect of linseed and also about cotton piecegoods. Whereas British imports in these latter had fallen from 33 crores in 1929-30 to 12½ crores in 1930-31 and to 8 crores in the succeeding year, Mr. Vakil estimates that the British would capture a market worth 30 crores. Then again Mr. Vakil had included in the list various goods of the value of crores on which preference had not been given.

'I hold, Sir, that a great deal of the criticism indulged in is positively engineered. My friends in Bombay want 25 per cent. preference against Lancashire and a prohibitive duty against Japan, yet when we honestly do something to get an advantage to the primary producer, they decry this as of no value to India.

'We entered Ottawa in an atmosphere of mist and gloom. We concluded the Conference in bright, cheerful sunshine.' (Applause).

*Dewan Bahadur Rangachariar* congratulated the Government on having this brilliant unpaid advocacy but wished that Mr. Chetty had not questioned other people's motives and imported heat. Mr. Rangachariar thought it was an irony of fate that when they got an Indian Commerce Member for the first time, he should be required to support such an agreement as was before the House. They could not forget the relative positions of the countries which had entered the agreement. India since the days of speaker's boyhood had grown from 200 to 350 million in population. They must not also forget that agriculturists were still committed to primitive methods and that the expansion of agricultural products required capital enterprise and many co-relating industries which did not exist.

Proceeding Mr. Rangachariar warned that before embarking on preferential tariffs, they must make sure that they did not run a great risk and that the policy of preference had the support of the Indian legislature. The Assembly had already granted preference to Britain. Were they satisfied that the results had been good ?

In regard to this agreement Sir Joseph Bhowe was not so emphatic as Mr. Chetty regarding the benefits that would accrue to India. In fact Mr. Chetty had given the go-bye to para 18 of his own report by saying that the language therein meant that the Government of India wanted to take part in the Ottawa Conference. Looking at the volume of trade for which preference was given Mr. Rangachariar could not but regard it as heavy.

Britain had in recent years been losing ground in the Indian market but the decision of linking the rupee with sterling was one of the factors which enabled Britain to rehabilitate herself. Over 90 crores of solid gold of the poor Indian left this country. It was a criminal act of the Government to have allowed this to occur under their very eyes. What was the return which India got for this help which she gave to Britain ? And now in connection with the next constitution they talked of safeguards. Mr. Benthall went to England and demanded safeguards. Did he mean to include Indian tea ? No, the English people were more cunning than Indians and Mr. Chetty in the imperial atmosphere of Ottawa entered into a agreement with England with the result that if that agreement was adopted, they would be handing down to future a burden without the opportunity of developing the industries for their benefit. They were really taking an unknown risk in being asked to ratify the agreement. India exported more to other countries than Britain while Britain sent to India more than she was prepared to accept in goods.

Would not this agreement disturb that trade with foreign countries which was to India's benefit ? Take oil seeds. England only took 13 per cent. of India's oil seeds and the rest was sent to other countries. Moreover, what about starting more oil mills in this country ? Then about brass, copper and other such articles. Even here India was importing and the English exporter not only exported but also came to this country as a manufacturer. Had the British Government entered into a similar agreement with the other Colonies ? India had not been placed on an equal footing in the empire.

*Mr. Chetty*, interrupting, informed that India had a better bargain than most other Dominions under the Ottawa Agreement.

**Mr. Rangachariar :** My friend can congratulate himself on it, but it will be injurious to the interests of India as I visualise it. Has my friend thought of the Indian consumer? Already we heard of diminished returns. Retrenchments had practically stopped and perhaps the ten per cent. cut would now be sought to be restored. I expect the Finance Member to come up in March and ask us to vote several taxation proposals and to increase the tariff on foreign goods and diminish the tariff on British goods. To what extent of imports India would give preference was not known.

**Mr. Chetty** informed that out of 258 crores of imports, they had agreed to give preference to 58 crores only.

**Mr. Rangachariar :** 'That would be the last straw on the camel's back. I am proud to belong to the British empire but in my political bargain with Britain I had this commercial weapon left and by this Ottawa Agreement that is also gone. We here are not super-patriots. We are but colleagues of Mr. Chetty. No one can say he has a monopoly of wisdom, but Mr. Chetty cannot find one publicist nor economist to support his agreement.' Mr. Rangachariar concluded by quoting textually a resolution passed by the citizens of Madras against the agreement.

**Dr. Meek**, Director General of Commercial intelligence replied to some of the Opposition's arguments. He said the Tariff Board was a body that merely examined the question of protection for industries and not tariff changes. On the other hand, the delegation was the strongest that ever represented India. (Applause) and had spent four and a half months examining the subject. Any further enquiry would simply repeat the work already done. He assured the House that there would be no fear of foreign countries retaliating. They must import cheap raw material.

**Mr. Sant Singh :** The same argument applies to Britain.

**Dr. Meek** said that India had already enjoyed preferences for eight months without giving anything in return and the statistics for this period showed that in 20 out of 27 goods whereon preference had been given to India, exports from India to the United Kingdom had increased, while in the case of non-preferential items, exports had increased only in four out of nine items.

**Mr. Rangachariar :** What is the highest rise ?

**Dr. Meek.**—From 15 to 34 per cent. Indian pig iron would particularly benefit from the scheme. Concluding **Dr. Meek** said : This India agreement is to my mind the best bargain of all and my only criticism of it is that it does not tie up the United Kingdom for more than six months. (Applause).

**Sir Abdur Rahim**, leader of the Independent party, said that **Dr. Meek** had failed to answer satisfactorily **Mr. Sant Singh's** interruption. Unless India bought from foreign countries, they would not be in a position to buy from India and there would be diminution and not expansion of trade. **Sir Abdur Rahim** said his greatest grievance was regarding the procedure adopted by the Government of India with regard to its delegation's work. The speaker read out **Mr. Stanley Baldwin's** speech showing that whereas in the case of England and the Dominions either side had sent to the other a preliminary list showing the items on which they would like to have preference, the Indian delegation was supplied this list only on its arrival in London. 'This put our delegation at a fatal disadvantage. They had no opportunity like the Dominion delegates of discussing the provisional lists with business interests in India. That is the reason why **Mr. Chetty** and **Haji Abdulla Haroon** find themselves in absolute isolation both in this country and in this House (Opposition applause.) The list was prepared by the Government of India and I take it that the Government of India being a subordinate Government prepared the list in consultation with the India Office who must have discussed the matter with the trade department of the British Government. Our delegates were thus presented with a *fait accompli*.

**Sir Alan Parsons** said that the Government of India were in complete agreement with the speech of **Sir George Schuster** on the agreement. Personally he was convinced that the benefits accruing to India were large and substantial. On the basis of a fair and honest estimate it might be found that India's revenues would not be affected, nor consumers' interests adversely affected.

**Mr. K. P. Thampan** asked the House to think twice before adopting the agreement. This was all the more necessary when the bulk of Indian opinion was oppos-

ed to it. He warned everybody against repercussions, of preference which he thought would only lead to retaliation by other foreign countries. Mr. Thampan supported a complete enquiry by Indian experts.

Mr. D. K. Lakshmi Chaudhary deprecated Mr. Chetty playing the second fiddle to the Government and the European group and pointed out that none except officials and Europeans cheered his speech this morning. Whatever may be the differences of view, personally he considered this pact would prove disastrous to the country. It would be better if the advice of Indian experts was taken into account before any decision was reached.

**10th. NOVEMBER** :—In the Assembly to-day after a full dress all parties agreed to have a Committee consisting of fifteen of which seven would be from the Government and seven from the Opposition side and one neutral President, all being members of the House, to examine the Ottawa Agreement and hear witnesses and report by November 21 till which date the Tariff Bill would not be introduced. The following compromise amendment which was unanimously adopted, was moved by *Sir Hari Singh Gour* :—

"That for the original resolution the following be substituted that the Trade Agreement made at Ottawa between Indian and British delegations be referred for scrutiny and report to a committee of the Assembly consisting of Sir Joseph Blore, Sir Alan Parsons, Mr. S. Chetty, Seth Abdulla Haroon, Mr. F. E. James, Mr. Yamin Khan, Dr. De Souza, Mr. B. Das, Mr. C. S. Ranga Iyer, Sir Abdur Rahim, Mr. H. P. Mody, Dr. Ziauddin Ahmed, Mr. Sitharama Raju, Nawab Sir Zulfiqarali Khan and Sir Hari Singh Gour, and with instructions to report by the 21st November 1932 and that further consideration of the resolution moved by Sir Joseph Blore on Monday, the 7th November and the amendment thereon be postponed until the report of the committee has been presented to the Assembly."

Further discussion was accordingly postponed and the House adjourned till the 14th.

#### Debate on the Ordinance Bill

**14th. NOVEMBER** :—Mr. Haig occupied half an hour to-day in moving for consideration of the Bill to supplement the Bengal Suppression of Terrorist Outrages Act. Under Clause 5 of the Bill the High Court would have no power to entertain applications in revision. The Home Member emphasised that an appeal was provided from sentences of Special Magistrates and therefore no substantial injustice could be felt. Mr. Haig alluded to the recent manifestations of the terrorist movement and said that judged from the facts there was no warrant for saying that if self-government was given, these terrorists would become ordinary citizens with merely nationalist tendencies. "On the other hand," he said, "there was enough evidence to show that terrorists did not believe in the constitutional progress of the country but were out for an armed revolution and that they had turned for their model from Ireland to Russia. One of the latest leaflets issued by terrorist organisation condemned the Congress as a body of the rich and practically dismissed those who did not agree with the terrorist policy as traitors. Blood-thirsty threats were uttered against those who opposed them."

*Sir Hari Singh Gour* raised a point of order that the proposed Clause 5 of the Bill would re-create the anomaly removed in 1923 inasmuch as the power of superintendence vested in High Courts by the Government of India Act, Section 107, would be taken away in respect of non-chartered High Courts, while leaving it unaffected in respect of chartered courts.

The President held that the Law Member had admitted that the Section, as it stood, entrenched on Section 107 of the Government of India Act, and to that extent he ruled it out of order.

**15th. NOVEMBER** :—Reviewing to-day the changes made in the Ordinance Bill by the Select Committee, Mr. Haig said that they had limited the Bill to three years while Government's original view was to put no limit. "We hope that by the end of three years the fatality of waste of effort and injury to the country, both moral and economic, caused by the Civil Disobedience movement will have been fully appre-

ciated. In any case, within three years we hope that the necessity as to the continuance of these provisions will lie in other hands than ours."

*Mr. Lalchand Navarai*, supporting both the amendments for circulation and recommitment to the Select Committee, warned the Government against their policy, which was alienating sympathies of those, who were still opposed to Civil Disobedience. The Government should take the opportunity by the forelock and a policy of conciliation. He assured that everybody was ready for it.

*Mr. Ranga Iyer* concentrated a great deal on the Press provisions of the Bill, and put in a special plea that peaceful picketing was an elementary right which should never be taken away, especially as this country had no tariff freedom and picketing was the only weapon to fight against this country being dumped by foreign goods under the Ottawa Agreement. He urged his side not to practise dilatory motions but to have a straight fight and bury the Bill.

**16th. NOVEMBER :—***Mr. Rangachariar*, in course of his speech to-day, characterised the measure as vicious, uncalled for and most mischievous and asked the House to reject the measure in toto without resorting to dilatory motions.

*Sir Abdur Rahim* said that Government's view was that "as a state of war prevailed in this country, it is justifiable on the part of Government to ask and utilise powers for war waging against Congress. We, who do not subscribe to Congress policy, would not have any sort of law which was calculated to suppress the liberties of the people generally."

*Mr. A. Hoon*, supporting re-circulation, said that renewed repressive measures had reduced the administration of justice to a mere farce. The repressive measures instead of improving the matters were only aggravating the malady.

The House then adjourned till the 21st.

**21st. NOVEMBER :—***Mr. Gagan Prasad Singh*, resuming the debate to-day, stressed the fact that peaceful persuasion or peaceful picketing was a method recognised throughout the world and it should not be made penal. As regards provisions relating to the press, *Mr. Singh* referred to the Madras Government's objection to the publication of photos of nationalist leaders and said that it was abuse of powers given under the ordinance.

*Sir Hari Singh* *Our* critically examined the Bill from the point of view of constitutional history. The speaker warned the House that there was great difference between the Ordinance and the Bill. Under the Ordinance, Government was responsible for promulgating them and for the legality or otherwise of that measure. The Bill, when it became an Act, would be administered under their name and policemen making lathi charges in future might say that it was in accordance with the provisions of the Bill which was enacted with the concurrence of elected members of the Central Legislature. He, therefore, warned the members whether they were prepared to give unlimited powers in the hands of the executive of Provinces.

*Mr. H. G. Haig*, Home Member, replying to the debate said: "The Bill is directed against the Civil Disobedience movement. This movement is designed to paralyse the Government and in the course of its activities endeavours to intimidate and coerce those individuals who do not agree with the Congress."

The House then divided on *Mr. Sadiq Hasan's* motion for circulation of the Bill with the result that the amendment was rejected by 63 against 40 votes.

Finally, the House divided on the Home Member's motion that the Bill, as reported by the Select Committee, be taken into consideration. The result was that 63 votes were cast in favour of consideration and 39 against it.

#### CLAUSE 2 DISCUSSED

**22nd. NOVEMBER :—**The House discussed to-day seven amendments moved to clause 2 of the Bill. The object of this Clause was to prevent dissuasion from enlistment in military, naval, air or police service. All amendments were aimed at lessening the rigours of this provision.

Of the amendments one was by *Mr. S. C. Mitra* for reducing the maximum sentence of imprisonment from a year to three months. He said that since the beginning of the Civil Disobedience movement there had not been any single case of such offences. It was unreasonable on mere imaginary grounds to possess such extraordinary powers.

Mr. *Jadhav* felt that if there was danger of people dissuading recruits to the army, there should be a permanent provision in the Army Act. A temporary provision in the Bill before the House would not serve the purpose. He also objected to the clause as it was vague and liable to abuses.

Mr. *H. G. Haig*, opposing, pointed out that the offender was not liable to be punished to the maximum period in every case, and the Magistrates had been given enough discretion to decide the period of sentence.

Mr. *Mitra's* amendment was put to vote and lost.

Mr. *Jadhav* moved that for the words "one year" the words "six months" be substituted. Mr. *Sant Singh* said that they wanted to provide against inflicting maximum punishment by the Magistrate. Mr. *S. C. Mitra* said that political prisoners generally were placed in "C" class and pleaded for lesser punishment. Mr. *Haig* maintained that punishment for one year was not excessive. Mr. *Jadhav's* amendment was lost.

Mr. *S. C. Mitra* moved an amendment limiting the fine to Rs. 200. He said that it may be that patriotism or promoting indigenous industries was punishable, but in view of the heavy fines levied, it was necessary to provide for a limit.

Mr. *Lalchand Navalrai* wanted to restrict magisterial powers as the maximum punishments were awarded in the ordinance period.

Messrs. *S. G. Jog* and *Amarnath Dutt* supported the amendment.

Mr. *D. K. Lahiri Choudhury* referred to the demand of security from the "Free Press Journal" of Rs. 20,000 and supported the fixing of limit of fines.

Mr. *Haig*, replying, said that First Class Magistrates could inflict fines up to Rs. 1000 only and if higher fines were inflicted there was the right of appeal.

The amendment was negatived.

Mr. *Lalchand Navalrai's* amendment that no court would take cognisance of an offence punishable under this section unless by an order from the local Government, was negatived after Messrs. *S. C. Mitra*, *Sardar Sant Singh*, *Mr. Amarnath Dutt* and *Mr. Gaya Prasad Singh* had supported it. Mr. *Sant Singh* supporting stated that police mentality was taking the whole land and the object of the amendment was to substitute judicial mentality instead.

After all the amendments to clause 2 were disposed of, the Chair moved that clause 2 of the Bill be enacted on which the House divided with the result that clause 2 was carried with 53 votes for and 20 against. The House then adjourned.

#### CLAUSE 3 DISCUSSED.

**23rd. NOVEMBER:**—Several amendments were moved to Clause 3 of the Bill. The object of the Clause was to prevent attempts to induce any public servant to fail in his duty as such servant.

Mr. *S. C. Mitra* moved that Clause 3 of the Bill be deleted. He said though the definite definition of "public servant" had been improved by the Select Committee, it was still wide, as it included all the 20,000 or more people employed under the Government. After few more amendments were put and lost, the Clause 3 of the Bill was carried.

#### CLAUSE 4 DISCUSSED

Mr. *S. C. Jog* next moved the omission of Clause 4 relating to boycotting of public servants. He criticised the wordings of the Clause, especially regarding rendering customary service which, he said, defied definitions and were all-pervading and all-engrossing. It was creating a statutory affection for public servants.

Mr. *Krishnamachariar*, supporting the amendment, asked why on the eve of the inauguration of a new constitution, such drastic powers were required on the plea of protecting the new Government.

**24th. NOVEMBER:**—Mr. *S. C. Sen* said that the Clause ensured preferential treatment to the Government servant not only in his activity as a servant of the Crown but also in his private life rendering customary services, even to menial servants, made this legislation absurd.

Mr. *S. C. Mitra* pointed out that Government was creating a new official caste in the country. It was not possible by mere legislation of this kind to prevent harassment or boycott of officials. Generous and kind treatment by officials themselves so as to command respect and confidence in the public mind would be more effective.

The Government were fully aware of the fact, stated the *Home Member*, that affection would not be created by legislation, but they can provide by a statute that public servants were not harassed or persecuted and denied the necessities of life in places where there was no alternative sources of supply.

A few more non-official amendments were moved and lost. The House adjourned.

**28th. NOVEMBER :—***Pandit Sen* moved to-day the substitution of fine of Rs. 200 in place of Rs. 500 provided in Clause 4 of the bill.

*Mr. Haig* said that the Government stand on the recommendation of the Select Committee and opposed the amendment which when put to vote was lost.

*Sir B. L. Mitter*, Law Member, then moved that the definition of public servants do include also a person employed in the military, naval or air services of His Majesty. *Dr. Ziauddin* and *Mr. S. C. Mitra* opposed the amendment on the ground that soldiers on leave take undue advantage. The amendment was carried by 52 votes against 32.

*Mr. Ranga Iyer* opposing the amendment said : 'We do not want to enhance the existing powers of the soldiers. Originally the Government said that to counteract the Civil Disobedience movement they were enacting Civil Laws but this amendment is quite uncivil.'

After a few amendments were moved and negatived the President put Clause 4 to vote, which was adopted by the House.

#### CLAUSE 5 DISCUSSED

*Mr. B. Jadhav* next moved for deletion of Clause 5 relating to publication of any passage from newspapers, books or documents which had been forfeited. The amendment after heated discussion was rejected.

After two other amendments of a similar nature had been rejected, *Sir Joseph Bhoré* presented the Report of the Special Committee of the Assembly on the Ottawa Conference.

#### The Ottawa Committee Report

The Majority Report declared : "So far as we are able to judge, it is definitely in India's interests to accept the Agreement. The only certain test is to experience actual results over an adequate period."

The Majority recommended that the Government should prepare an annual report reviewing the effect of preferences as also including any representation made by Indian industries of the effect on them of import preferences. They recommended a committee of fifteen members of the Legislature to consider the annual report on the working of the Agreement showing the effect on agriculture and other interests and report to the Assembly.

The majority further recommended that after three years' working of the Agreement, the Government should report to the Indian Legislature a detailed report and if the Legislature is satisfied that the continuance of the Agreement is not in the interest of India, the Government should undertake to give the required notice to terminate the Agreement."

The Majority Report discussing the commodities on which India will receive preference in the United Kingdom remarked that "the exclusion of India from the benefit of preferences given by the United Kingdom would cause her to lose at least a large portion of the market she now holds."

Reviewing at length the general factors of the Agreement, the Majority Report said that "due to world depression the scheme will not help to raise the price level and the Indian agriculturists will not benefit as also our export trade."

Continuing they said : "We must also note that if there be any considerable displacement of India's import trade from foreign countries into Britain, India's exports to foreign countries are bound to suffer."

Criticising the Majority Report that they treated the consumer's burden in an inconsequential manner the Minority Report stated : "Consumers will have to pay more for imported articles. One chief feature of our foreign trade has been marked by a decline in Britain's share in our imports even after making allowance for boycott during recent years. We can not therefore escape conclusion that such thoroughgoing preference to 163 articles would only mean additional burden to the Indian consumer. The conclusion we have arrived at is that we can advise the Assembly to ratify the Agreement."



## Debate on the Ordinance Bill

29th. NOVEMBER :—*Mr. Anklesaria* moved an amendment to-day which proposed to add the following words to clause 5 : "with a view to punish a person quoting from a forfeited document provided it was proved that the accused had knowledge of or had reason to believe that the document was forfeited." *Mr. Anklesaria* maintained that the Bill as it stood was so extensive that it would bring within its meshes perfectly innocent persons. It would penalise even persons who read offending passages inadvertently, and the judge even if he was convinced that this was done inadvertently could not but convict the accused.

*Sir B. L. Mitter*, Law Member, replying said that "there was no question of punishing an innocent person because only he who repeats a seditious matter would become liable under this clause. "If a person repeats a seditious passage, the offence is in that repetition and it is no element of offence whether he knows that Government had declared it to be seditious or not." Under this clause Government were substituting the executive opinion which was subject to judicial scrutiny. Voluntariness in repeating the seditious passage was the essential element in the measure.

*Sir Abdur Rahim*, Leader of the Independent Party, in opposing the enactment of the clause, said that the clause was typical of the Bill. The executive would pronounce an order as to what was forfeited and the court was to take the pronouncement of the executive as conclusive and convict any person if he had read any extract from a document whether that extract by itself would be objectionable or not. Thus, any passage, however innocent, from a proscribed book would lead to punishment.

The motion that the clause be adopted was passed by 51 against 40 votes.

## CLAUSE 6 DISCUSSED

The House then proceeded with the consideration of clause 6 when *Mr. Jadhar* moved its deletion. He contended that the Bill had been brought forth for protecting public servants and that there was no necessity for its extension to any other class of His Majesty's subjects who were already protected by provisions in the Penal Code.

*Mr. Kewar Raghbir Singh* opposed the entire omission of the clause, while *Mr. Amarnath Dutt* supported its omission.

The Hon. *Mr. H. G. Haig*, in opposing the omission of the clause, said that in this country the spreading of false rumours was a very easy matter and it had a deplorable effect of creating unrest in the countryside, where people were illiterate and credulous. He explained that it was the function of this clause that only deliberate dissemination of false rumours would be punished.

Having lost the amendment, *Mr. Jadhar* again moved an amendment aiming to reduce to three months the one year's punishment provided in the clause.

*Mr. Haig*, opposing, said that this punishment was recommended by the Select Committee. The amendment was lost as also a similar amendment reducing the punishment to six months.

*Mr. Lalchand Naralrai* then moved for the addition of a provision that no court should take cognizance of an offence punishable under this section unless a complaint was made under the authority of the Local Government. He said that the amendment was of a precautionary nature.

*Mr. Jog*, supporting, said that the safeguard was essential in view of the creation of new offences. *Mr. Haig* opposed and the amendment having been lost clause six was put to vote and was adopted.

## CLAUSE 7 DISCUSSED

The House then proceeded with clause 7 whose omission was again moved by *Mr. Jadhav. Dewas Bahadur Harbilas Sarda* supporting the omission, said that the clause was all-embracing not even sparing social, economic and educational reformers. He would have the clause modified to exclude the reformers from its purview so long as they did not use violence.

30th. NOVEMBER :—*Mr. Raja* confined his attention to the vague words in the section, and referring to the explanatory paragraph inserted by the Select Committee, pointed out that promotion of Swadahi and temperance was not safeguarded by the explanation.

*Mr. B. N. Misra* asked if a person who prostrated himself before one going to a drink shop could be considered to have molested."

*Sir Harisingh Gour* complained that under the guise of suppressing Civil Disobedience, the Government were trying to suppress not intentionally but in effect all peaceful picketing which might result in the suppression of social reform activities directed towards the promotion of abstinence and cultivation of a national swadeshi spirit.

*Mr. Aggarwal* said that all legal precedents and propriety had been thrown to the winds while framing this clause which dealt a blow at the right of association and propaganda.

*Mr. H. G. Haig*, Home Member, winding up, detailed the activities of picketers in front of shops and explained how the results of their efforts were reported frequently to Congress headquarters with a view to further methods of coercion. It had been said that by this clause people would be prevented from conducting ordinary methods of propaganda. Surely there were many other methods of propaganda, such as, writing on temperance or Swadeshi in newspapers, issuing pamphlets, holding public meetings and making speeches. No such activity was an offence under or was prohibited by the clause. But it was an offence to go beyond ordinary methods of reasonable persuasion and to attempt to coerce people to intimidate them, to annoy them and to pester them into agreeing with you when you have failed to convince them with your intellect. In fact, the Bombay Congress Bulletin had warned that failing persuasion they would adopt direct action. Picketing was a form of direct action and it was that mentality which the clause attempted to put down.

*Mr. Jadhav's* motion to delete the clause was rejected without division. In all 11 amendments to clause 7 were discussed, but all of them were rejected.

The next amendment by *Mr. Ramkrishna Reddi* aimed at restricting peaceful picketing, peaceful persuasion and peaceful argument only for the purpose of promoting indigenous Swadeshi products and peaceful picketing of toddy, arrack and ganja shops without involving obstruction, violence or intimidation to any person.

The Home Member replied that the object of the Government was to stop any form of picketing, and it would be nullifying their object if they were to exempt those offences in certain cases.

The motion was rejected and clause 7 was finally adopted without any alteration.

#### CLAUSE 8 DISCUSSED

1st. DECEMBER :—*Mr. S. C. Mitra* moved to-day the deletion of clause 8.

*Mr. Ramkrishna Jha* contended that the present educational system was responsible for children's behaviour in support of Civil Disobedience and that therefore persons to be punished should not be parents or guardians but Education Ministers like *Sir Fazli Hussain* (laughter).

*Mr. Thampan* thought that the best way was to punish boys bodily.

*Sardar Sant Singh* complained that if a father gave liberty to his boy, he would be punished and if he exercised illegal restraint, he might find himself lodged in jail for that offence. He ended : "It seems, Sir, in view of this, the only remedy is to exercise birth control (laughter)."

The Home Member, replying to the debate, said that education had been a transferred subject for ten years and members had the chance of trying some improvement in that system. While improvement in the educational system might bring about some change, they had to face a practical problem for which neither the Government nor the Education Ministers were responsible. *Mr. Thampan* had suggested whipping. *Mr. Haig* said that the British people had considerable belief in the utility of such punishment but *Mr. Thampan's* suggestion would not find support among his own ranks. The only other remedy was imprisonment which was most undesirable. Government was, therefore, left with no alternative but to enforce parental responsibility and the success of this method had been demonstrated by the fact that the Local Government reports showed that whereas children proved previously a great nuisance, this nuisance had diminished in a marked manner since the new powers were taken. Those who argued that parents had no control over children should also find relief in that—this law would remedy that social evil and restore parental responsibility.

*Mr. Mitra's* amendment was put and negatived.

*Mr. Amarnath Dutt* suggested in his amendment that no parent or guardian should be made to pay a fine if a young person was not under the control of a parent or a guardian and maintained by such a parent or a guardian. The amendment was rejected.

Mr. Lalchand Navalrai moved an amendment to see that the burden of proving the offence before the court lay on the prosecution. He pleaded that the clause, as it stood, was un-British in law, and, therefore, it should be removed.

The *Law Member* explained that it was accepted in principle in every country that the onus should be on the prosecution. In this case there was no departure from such a principle. If a young person committed an offence and was fined in the court, it was proper that the parent or the guardian should pay the fine. In this case the court was only asking the parent or the guardian to appear before them in order to satisfy that he had not condoned to the commission of the offence by neglecting control over the offender. The amendment was rejected.

Mr. S. C. Jog moved the next amendment to the effect that before attaching liability to the parent or guardian, the prosecution should prove that the offence was definitely committed in furtherance of an illegal movement.

The *Law Member* said that the section was very clear that the parent would be called upon after the prosecution had finished their case. The motion was rejected. Clause 8 was then approved without any alteration.

#### CLAUSES 9 TO 13 DISCUSSED

The House disposed of clauses 9 to 13 in less than an hour. Mr. Mitra moved successively the deletion of clauses 9, 10 and 12 and the amendments were lost as usual. As no amendment had been tabled for clause 11 which added a sub-section to clause 16 of the Criminal Law Amendment Act of 1908, that the Governor-General may by notification in the Gazette of India declare an association unlawful throughout British India, only Mr. Mitra opposed its passage. He wanted to know the reasons for substituting "Governor-General" for "Governor-General in Council".

The Hon. Mr. H. G. Haig said that the law, as originally passed, mentioned the Governor-General in Council, but later the power was delegated to the Local Government. He added that now it was essential to give such power to the Governor-General also, as there might be cases of particular associations and activities not being confined to one province only.

Some interest was aroused in the House by clause 13 when the House was pressed to a division on Pandit Sen's amendment for extension to invalids of the protection given to children and women from harassment by Magistrates or the police if the latter wanted to take possession of buildings occupied by them.

The amendment was lost by 37 to 47 votes.

Mr. Jadhav moved an amendment that all movable property, taken possession of by Government, be kept in their custody, and not forfeited.

Sardar Sant Singh advised Government not to embitter the feelings of the Congress while attempts were being made to bring rapprochement between the Congress and the Government.

The *Home Member*, opposing the amendment, asserted that Government had not the slightest intention of entering into another pact with the Congress.

The motion was rejected by 35 against 51 votes.

Mr. S. C. Sen next moved an amendment to restore the right of appeal against the decision of the District Judge or the Chief Judge of a Small Cause Court. Messrs. Aggarwal, Jog and Patil supported the amendment as being very logical, protecting the elementary right of appeal of a subject.

Sir Brojendra Lal Mitter pointed out that the dispute was not between individuals as in civil disputes. The issue was a simple one, and he did not see any reason why there should be an appeal for the benefit of the legal profession. The motion was rejected.

There were three more amendments by Mr. Jadhav for doing away with the power of forfeiture.

The Hon'ble Mr. Haig pointed out that these funds were the life-blood of the organisers and the organization. Besides they were used for the propagation of a very poisonous movement. In his opinion forfeiture was most essential to bring a deterrent effect on those who subscribed for these unlawful purposes.

The amendment was rejected.

#### CLAUSE 14 DISCUSSED.

2nd. DECEMBER :—The House discussed to-day clause 14 of the Bill which aimed at amending the preamble of the Indian Press Emergency Powers Act, 1931, to include the words, "for better control of the Press."

Mr. S. C. Mitra moving the deletion of this clause said it would be better if the preamble contained the words "for the suppression of the Press" instead of the words "for better control of the Press."

*Sir Mohammad Yakub* :—The vernacular press played a great part in rousing public opinion in the country but our greatest troubles were also due to the vagaries of this press. He read a passage from a local paper referring to Sir Fazli Husain's chances of the leadership of the Assembly as being of greater use for securing votes on the Ordinance Bill and the Ottawa legislation (laughter from all sides of the House). He said in this way communalism was bred. He repudiated the insinuation contained in another passage from the same paper against the members of the House suggesting that their voting was influenced by prospects of nomination to the Joint Parliamentary Committee. He opposed the amendment.

Mr. Ranga Iyer said that even the Press Act and the Ordinance as promulgated could not prevent the publication of news read out by Sir Mohammad Yakub. He said if Sir Mohammad Yakub introduces a Bill holding the spreading of communal hatred as sedition, he would have the speaker's support. Continuing Mr. Ranga Iyer said that communalism is the pond that breeds reptiles and so long as people would persist in demanding separate electorates communalism would not die. Mr. Ranga Iyer said if any paper publishes false news they should be contradicted by Government communiques. In this connection he referred to the "Daily Mail's" levelling charges against Mr. Baldwin and other Ministers of His Majesty without being proceeded against, why then the Indian Press be treated differently, asked Mr. Ranga Iyer.

*Sir Hari Singh* regretted that Sir M. Yakub was oblivious of the issue before the House. He said the Press should not be suppressed even though its views were inconvenient and unpalatable to certain people. The speaker asked : "Have the Government tried the general law coupled with the Emergency Law and found it wanting ? Then only could the Home Member come before the House and ask for a stronger weapon to cope with Civil Disobedience. Is the Home Member not aware that the more you muzzle the Press, the more you help in the dissemination of false and malicious news. Referring to Lord Burnham's remark that if the policy of Government and the problems confronting it had to be brought to the notice of the people, they must have a well-developed publicity department, but where you will get publicity except through the Press which you want to muzzle ? Again, with the spread of education and knowledge, people are anxious to get news. Continuing, Sir Hari Singh Gour said : The newspaper is the poor man's university. If you want to spread mass education you must also encourage the Press in India. The Press here is still in its infancy. We know of countries in the West where newspapers have a circulation by millions. In those countries the Press is the cheapest medium of mass education but you cannot have a Press which only publishes court circulars and Government news. It must take interest in all live issues of the day, of politics, religion, and sociology as these are the factors in regard to which the public want enlightenment. Continuing Sir Hari Singh said : "If you look at the operation of the Ordinances in Bombay and Oalcutta, so far as the indigenous Press is concerned, you will appreciate what that means."

Replying to the debate, Mr. Haig said that the Hon'ble members were aware that the Emergency Powers Ordinance was promulgated with a limited intention, viz. only to control the Press against inciting murder or violence. Now it was proposed to extend that control to a much wider scope. To Sir Hari Singh Gour's remarks why the Government did not feel content with the powers they already possessed and did not try them, the Home Member said that they had already tried them in the past at the beginning of the first Civil Disobedience movement when it was found that the control of the Press was completely beyond their powers under the ordinary law. Again, when the first Ordinance expired, Government did precisely what Sir Hari Singh Gour suggested and watched for two months after which it was necessary to issue the second Ordinance. "You can't honestly expect us to try another period of inactivity," he observed.

Mr. Mitra's amendment was then put to vote and declared lost and clause 14 was carried.

#### CLAUSE 15 DISCUSSED

Mr. Ranga Iyer then moved the deletion of clause 15 of the Bill stating that the Press Emergency Powers Act would be in force until the expiration of the Criminal

Law Amendment Act, 1932. After Mr. Haig's reply, the amendment was put to vote and declared lost and clause 15 was carried.

### THIRD READING OF THE BILL

**3rd. DECEMBER :—**Galleries were entirely deserted when the Assembly met today to dispose of the Ordinance Bill. Amendments to limit the life of the Bill were moved by several members and none was either accepted or carried. The second reading was passed and the Hon'ble Mr. Haig moved the *third reading* of the Bill.

*Mr. Raju*, opposing the third reading of the Bill, said that the Ordinance Bill was proceeding like a steam-roller crushing the opposition underneath. Degenerated and dis-spirited as they were they could only appeal to humanity and statesmanship, but the steam-roller has nothing of the kind. They could not save even an invalid. Proceeding *Mr. Raju* said that he would have welcomed the Ordinance Bill if he were a terrorist, because it was an invitation to terrorism by the suppression of all political expression in the country. Referring to the Congress he observed that despite strongest provocation the Congress had remained non-violent.

*Mr. S. C. Mitra* said the Government had not appreciated the attitude in opposing the Bill. He urged that the Government should not alienate the Press on the eve of new constitutional reforms in India. He placed on the table of the House two signed letters with photographs of Bengalee women who had been assaulted by police and also a number of photographs depicting allegations against the police. *Mr. Mitra* said that reports of none of these happenings had appeared in the Press. His fear was that the excessive powers given under the Bill would always be misused. If the object of Government was to strike terror they should do so by means of martial law and not through measures passed through Central Legislature.

*Mr. Abdul Matin Chaudhury* quoted a telegram from the Imam of Jama Masjid, Chittagong, to the Governor of Bengal showing how the Mussalmans suffered through the operation of Ordinance in that part of India. *Mr. Chaudhury* further said that Government could not be accused of partiality to any community. They were absolutely impartial in their misuse of power. The Mussalmans who were weak suffered the most wherever they tried to be independent. The Frontier Mussalmans were terrorised, the "Red Shirt" movement was crushed, and the Ahrar movement was suppressed. The speaker claimed that India was suffering from consumption and the Home Member failed to diagnose correctly. It will be through a vitalising injection of self-Government and not through doses of Ordinance that the disease could be cured.

*Sir Hari Singh Gour* opposing the Ordinance Bill drew the attention of the House to three important legal aspects against the passing of the Act. He said as per clause 17 of the Bill the Government has made the decision of the District Judge as final, but according to the Privy Council and the High Court definition the word "final" means "conclusive". This precludes the possibility of appeal. He cited as authority Civil Procedure Code page 460 foot-notes and referred to a recent case in the Calcutta High Court of 2nd December, 1932, where Justice Pearson set aside the conviction of the Lower Court under Section 107 of the Government of India Act. Continuing *Dr. Gour* said by this Act not only appeal would be precluded but the revisionary powers of the High Court would be taken away. If it was the Government's intention to prevent an appeal being filed, then it contravened the provisions of the Government of India Act. *Dr. Gour* submitted that the Indian legislature being a subordinate body had no jurisdiction to take up any case in which participation of a judicial officer was prevented from cognisance of the High Court under Section 107 of the Government of India Act.

Continuing *Dr. Gour* said the position created by enacting this measure was so absurd that all chartered High Courts, protected by Section 107 of the Government of India Act under power, superintendence, direction and control of the Assembly defy anything this House might do. Referring to non-chartered High Courts, he said, they have such power of superintendence, direction and control which meant that some people were given more justice and some less.

*The Law Member :* Will the Hon'ble Member kindly formulate his objections. I cannot understand his point.

*Dr. Gour :—*By enacting that the decision of the District Judge would be final the legislature precludes an appeal.

Concluding, *Dr. Gour* said his second point was that according to contract His Majesty's subjects owe allegiance to the King and His Majesty in turn safeguards

and protects his subjects' interests as embodied in the sacrament. Confiscation of property could only be done when the State was at war with its subjects which was not the case now. Hence neither the British Parliament nor the Indian legislature could confiscate without giving the right of claiming compensation in a civil court.

Dr. Gour's third point was that according to section 17F of the Ordinance Bill, the Government proposed to protect officers acting under a bonafide intention. He said there was no law here, in England or any where else authorising any body to loot, plunder or murder provided his intention was bonafide. He said that this bill aimed at giving such power. He further said that it had long been settled in England that the clause conferring indemnity in advance was entirely ultra-vires. Dr. Gour's conclusion was that granting officials indemnity without knowing whether their actions were justifiable or not was quite illegal. When Dr. Gour sat the President asked him to give in writing his exact legal objections which Dr. Gour did.

Summarising Dr. Gour's points of order the *Chair* said :—"As I understand they are three, one, whether this legislature has authority to enact that the decisions of the District Judges or Chief Judges, Small Causes Courts, shall be final, secondly, whether legislation enabling forfeiture of property without compensation is within the competence of this legislature, and thirdly whether any indemnity clause can be enacted by this legislature before cause for it has arisen. The Chair takes it that Dr. Gour's point is that under Section 107 of the Government of India Act this legislature has no power to make decisions regarding subordinate courts' final order.

*Dr. Gour* : As against the power conferred under the Chartered Act.

*President* : What I want is that Dr. Gour should cite authorities. He has only dealt with the merits of his points. I have not heard him to cite any authority under which legislative powers of this legislature are barred in providing indemnity before any damage actually occurred.

*The Law Member* :—"Sir, I have not heard more extraordinary propositions of law during the last twenty-five years. I would invite the Honourable Member's attention to section 115 of the Civil Procedure Code which lays down the use of revision when appeals do not exist, but there is no justification for the proposition stating that if there be no appeal, no revision can take place. In short, my answer is this that this legislature under section 65 of the Government of India Act has plenary powers for legislation subject to only limitations mentioned in the Act itself. We have all heard about sovereignty of Parliament. What does that mean except that it can do anything and everything."

*Dr. Gour* was again asked to cite authorities in support of his view point which he accordingly did.

*The President* then ruled that he could not be party to any restriction of the rights of legislation of the House. The Honourable Members of this Assembly ought to be very sensible in the matter of their own rights and privileges. He therefore ruled out Dr. Gour's points of order. (official cheers).

*Mr. Satis Sen* strongly objecting to the provisions for the Press observed that by muzzling the Press the Government were preventing legitimate ventilation of grievances. *Sri Amarnath Dutt* referred to how only a few days ago he was not permitted to enter the House by police officials.

The debate had not concluded when the House adjourned.

#### Debate on the Ottawa Agreement

**5th. DECEMBER** :—The House resumed to-day the debate on the Ottawa Agreement in the light of the Majority and Minority Reports of the Select Committee appointed by the House.

*Sir Hari Singh Gour* moved his amendment asking the House to adopt the report of the Committee and recommend to the Government to give effect to the recommendations of the report. *Sir Hari Singh*, continuing, said : "Let me emphasise that this preference is not unconditional. Firstly, our policy of protection of industries remains ; secondly, we provided no additional burden to be placed upon the consumer and the tax-payer by reshuffling the customs duty ; thirdly, we made a condition that the Government of India should keep a watch on the trend of prices to see how the agreement works and submit every year for information of the House the actual report supported by statistics ; fourthly, a committee of fifteen members of the Assembly will be appointed to keep a watch on the course of trade to examine the annual reports and such

representatives of agricultural, industrial and commercial interests as they may consider necessary. I consider this is a net gain. Lastly, we have provided a degree of constitutional development in the country by making the Executive responsible to the popular Chamber in this matter (ironical 'hear, hear'). I consider, that these safeguards individually and collectively are entirely in the interests of India."

*Mr. B. C. Burt*, who went to Ottawa as an adviser to the Indian Delegation, defended the Majority Report of the Assembly Committee. He declared that there was no country in the world which, due to soil and climate, had the same advantage as India. Cotton production in 1920-21 was twenty-one million acres and increased in 1925-26 to twenty-eight millions and fell down in 1931-32 to 23½ million acres. Similarly, the jute area was twenty-one lakhs of acres in 1923, increased in 1929 to thirty-four lakhs and in 1930 to thirty-five lakhs, while in 1931 it fell to eighteen and a half lakh acres. That proved conclusively the elasticity of the Indian crop production. He also took the case of groundnuts in which the Indian production of 2 million acres in 1921-22 had arisen in 1930-31 to six million acres and the yield had trebled. He commented: "This, sir, is in response to the increasing demand. The Indian cultivator is neither unable nor unwilling to take advantage of the new markets."

*Mr. Sitarama Raju*, Secretary, Independent Party, and a signatory to the Minority Report, said that Dr. Gour had admitted that the committee was unable to examine the import side of the agreement and yet they had come to the conclusion that the agreement was in the interest of India and they wanted three years' trial. "May I ask how can we afterwards restore the very conditions that exist to-day? Trade will be dislocated, finances upset and vested interests will be created." Dr. Gour had assured them that the consumer would not be hit, yet the Majority Report had stated: "We regard it impossible to predict generally upon whom the cost of preference will fall." As regards the burden on taxpayer the only assurance was that the Government of India did not want any more revenue. Mr. Raju contended that article 14 of the Agreement as worded did not leave them the choice of terminating the agreement. He emphasised that with a view to help industries in India they would have to seek the consent of the United Kingdom to vary the rules and if that consent was not forthcoming, they would have to wait a year before any action could be contemplated. Combines in England would prevent India getting any benefit from the agreement and that Mr. Lindsay, Trade Commissioner for India, had drawn attention to this aspect.

**6th. DECEMBER :—***Sir Abdur Rahim*, resuming the debate to-day, confined himself in answering to points made by the supporters of the Agreement and concluded his half-hour speech by expressing the conviction that it would be injuring the best economic interests of India. He realised that the Government had a larger majority on this question than they had on many other equally important matter. Proceeding, Sir Abdur Rahim complained that the Ottawa scheme placed before the Assembly was not of the Government of India but of the British Government to whom the Government of India was subordinate. Even if the Government of India wanted to reject that agreement they could not. And the Government in the Assembly had majority for such an agreement.

*Mr. Chetty* dilated at length on the supplementary agreement relating to the steel and iron industry which was beyond doubt to the interest of India and would enable the industry to increase its production and lower cost of production which would help a statutory enquiry to come to proper conclusions in the interests of the country.

*Mr. Maswood Ahmed* opposing the ratification of the Agreement pointed out that if India was unable to compete with Australian wheat within her own shores, it was not possible for Indian wheat to capture the British market against Australian competition. As regards hides and skins he quoted the opinion of the Muslim Chamber of Commerce of Calcutta in which they pointed out that the United Kingdom purchased but a little fraction of India's exports. If they adopted the agreement, and gave preference to Britain, the attitude of many foreign countries, especially that of Germany, the largest single customer for Indian hides and skins, would be biased and she would retaliate.

*Sir George Schuster* gave the House an assurance that the schedules had been so framed as would have no appreciable effect on the revenue return and therefore no effect on prospects of further taxation. The consumer would in the long run

benefit through competition between British and Non-Empire goods. As regards the suggestion that countries like Japan might retaliate, especially in the sphere of purchase of cotton, Sir George Schuster said that these considerations would have had some force when at the request of the Indian manufacturers import duty on the Japanese piecegoods was increased fifty centum. That was a discriminatory measure of a far greater intensity than anything that is contemplated in the Agreement. The result of that measure was that there was no fall in the demand of Indian cotton. The Finance Member next dealt with the arguments advanced by the Opposition that the present policy involved a departure from Lord Curzon's despatch. He said that the conditions to-day were entirely different as compared to political, economic, tariff and world conditions 30 years ago. Sir George Schuster commented: "I maintain that those political conditions which Lord Curzon laid down had been fulfilled and the Agreement is in the best interest of India." Sir George Schuster, however, added that the advantages of the Agreement paled into insignificance in comparison with the importance of the real issue. He said: "The real issue is this. Is India to join the economic group of the British Commonwealth of Nations or allow herself to drift from it and stand alone? I do not believe there is any Hon'ble Member of the House who if he himself sat here and had to carry on his shoulders the responsibility of answering that question, could answer it in any other way than the way in which our delegates have answered it."

Mr. C. S. Ranga Iyar, supporting Sir Hari Singh Gour's amendment for three-years' ratification, said that if only Sir Abdur Rahim had attended the Assembly committees sitting on the last day he would have taken the same attitude as he did. At any rate, Mr. Ranga Iyar hoped that Sir Abdur Rahim would now agree to serve on the select committee.

Deewan Bahadur Harbilas Sarda, a signatory to the Minority Report, repelled the attack of political bias and said that if they had any it was in favour of India. He said that so far as exports to Britain were concerned, they need not be worried over the threat of Britain as she would think twice before increasing the duty on raw material and thereby increase the cost of living to its consumers, while any increase duty on jute imports would only increase the cost of production of jute. He contended that by giving preference to English products and levying higher duties on non-British goods, India would be paying more certain goods resulting in the increase in the cost of production of Indian goods, which would not be able to compete favourably with foreign countries.

Sir Joseph Bhore, winding up the debate, declared, if, as a result of preference, India could sell more in Britain than India's capacity to meet the competition elsewhere would be stronger. Increase in India's purchases in the United Kingdom did not mean diminution in the purchases of Indian produce in foreign countries. As a result of seeking more in the United Kingdom market India's purchasing power would increase, and with every increase there would set in motion forces which would induce to bring wider markets for India's produce.

Proceeding Sir Joseph Bhore emphasised that the policy of protection stood and nothing in the Agreement would be allowed to stand in the way of application of that policy. Moreover, it was entirely open to India to decide what rate of duty should be put on a particular commodity. The Members of the Ottawa Delegation had been attacked on the ground that they were not elected by the Assembly. Sir Joseph Bhore remarked that it was terrible to comment on the public life of India if it was possible for anyone to suggest that an elected member of the Assembly ceased to command public confidence, simply because he discharged his duty on public service at the request of Government.

Finally, the Ottawa resolution, as modified by Sir Harisingh Gour's amendment was passed by 77 against 25 votes amidst cheers. The House then adjourned.

#### The Ordinance Bill Passed

**7th. DECEMBER :—**The Assembly, having cleared the Ottawa issue out of the way, reverted to-day to its debate on the Ordinance Bill, and discussed the third reading of the Bill.

Mr. Lalchand Navatrai, opposing the third reading, said that it was not at all necessary when a new constitution was in the making. He quoted the Viceroy's speech of the 5th September last, in which His Excellency said that a large section of the masses had entirely kept aloof from the Congress movement, and if that was true, nothing had happened between then and now to justify this Bill. The speaker



appealed to the Government to see that their officers and agents employed the weapon moderately. Referring to the Press provisions Mr. Navalrai opined that the Press governed the Governments in other countries. If one or two newspapers committed mistakes for that reason it was unjustifiable to gag the entire press of the country.

*Sir Abdur Rahim* condemned the dual policy of repression on the one hand and reforms on the other. The Home Member stated that whatever Government did was right. This meant that popular opinion did not count. On that basis the present Bill was alright. *Sir Abdur Rahim* contended that the present law was quite sufficient to deal with all the offences which would be said to come within Civil Disobedience. Yet under this Bill the courts were unable to deal with the manifestations of disobedience and therefore the courts' jurisdiction would be ousted. He disputed this proposition. As for the Congress it did not require this Bill because its policy was not to escape law but to face its penalties fully and fill the jails. So really the Bill aimed at striking at the political rights and liberties of the people. And the pity was that even the Round Table Conference had approved of the proposal to extend this power to issue Ordinances to the Governors and furthermore even to pass Governors' Acts, thereby superseding the Legislature altogether. As for the present Bill, Indian public opinion was entirely opposed to it. "I am not an Advocate of Civil Disobedience, having spent my whole life in the Bar and the Bench helping the administration, but this is not a sort of legislation which would ensure peace and order, nor ensure smooth working of the constitution though it may suppress certain manifestations for the time being," *Sir Abdur Rahim* contended that the Bill had a general application to all people, not to one community or section only, and asked the Government not to take advantage of the unfortunate communal feeling and pass a legislation opposed to all reason. At any rate, let them administer it with consideration and kindness and apply it against those only who actually infringed the law.

*Syed Murtaza* said that though the bill was intended by the Government to check crime, it would result in curbing the national spirit and torpedoing public opinion. He deprecated the walk-out from the Select Committee. If the members remained they would have done a useful work. The Civil Disobedience movement would never have been revived if the present Government had pursued Lord Irwin's policy and accepted Mr. Gandhi's offer of friendship. In his opinion no new law or additional powers to the police were necessary to deal with the Civil Disobedience movement. He asserted that it was the right of the people to picket places where wine was sold or prostitutes lived. Islam prohibited these vices.

*The Hon'ble Mr. Haig*, Home Member, winding up the debate, hoped that once these provisions were placed on the Statute Book for a reasonable period there might, as time went on less and less necessity to use them. It had been repeatedly explained that the sections dealing with boycott and picketing would only come into operation when an active movement necessitated this form of protection. Regarding the administration of the Press provisions, the Home Member repeated his promise to address the Local Governments. To a large extent he regarded the Bill as an insurance against recrudescence of trouble, and the less it was necessary to use those powers the better he and all the officers of the Government would be pleased.

Concluding, *Mr. Haig* said that Government could not co-operate with those who were pursuing a policy clearly at variance with the interests of the country. But there was enough proof of co-operation at the Round Table Conference. If the menace, which was typified in Civil Disobedience, was once removed, then they could go forward with confidence into a new era, the prospect of which was widening daily before them. (Applause).

The Ordinance Bill was passed by 56 to 31 votes.

#### The Ottawa Tariff Bill

*Sir Joseph Bhore* then introduced the Ottawa Tariff Bill and moved its reference to the following select committee, the report to be submitted by Dec. 12 :—*Mr. Shanmukham Chetty, Mr. Ranga Iyer, Sirdar Sant Singh, Mr. Thampan, Mr. Gunjal, Mr. Sitarama Raju, Mr. S. C. Mitra, Mr. Sadiq Husain, Dr. Ziauddin Ahmed, Mr. H. P. Mody, Haji Wajuddin, Mr. James, Mr. B. Chinoy, Sir Abdullah Suhrawady, Dr. DeSouza, Mr. G. Morgan, Sir Zulfiqar Ali Khan, Sir George Schneter, Sir Frank Noyce and Sir Joseph Bhore.*

Sir Joseph Bhore explained that the tariff schedule had been made keeping in view the interests of the consumers and the exchequer. As regards the supplementary agreement on iron and steel, the Government were satisfied that they possessed the necessary powers to implement this part of the agreement and would use their powers straightaway if necessary arose. He appealed to the House to let the bill go to the select committee at the earliest possible moment and assured Sir Abdur Rahim that he would warmly welcome any co-operation that was extended.

There was no other speaker and the motion of Sir Joseph Bhore was carried amidst cheers. The House then adjourned to 12th.

### Bengal Terrorist Outrages Bill

**12th. DECEMBER :—**Consideration of the Bengal Terrorist Outrages Bill was resumed to-day. Mr. S. C. Sen, through a point of order, urged that it was incumbent on the Law Member to redraft Clause 5 in accordance with the ruling of the Chair and then present the bill for the consideration of the House. The Law Member, on the other hand, had placed three alternatives before the House for selection. He must stick to one amendment and embody it in the bill.

The Chair ruled that the motion for consideration of the bill was in order. The Law Member was perfectly within his rights to amend Clause 5 and place before the House the alternatives to select from. This the House could do when Clause 5 was reached. For the present the motion before the House was for the consideration of the bill. Replying to the point of order by Pandit Sen the Chair pointed out that in spite of its warning a ruling on Clause 5 was demanded as a special case. Had that not been done the present difficulty would not have arisen.

Mr. S. C. Mitra then moved for circulation of the bill for eliciting public opinion. He referred to the speech by Mr. Haig that the bill was intended to eliminate the revisional powers of High Courts and said the House had repeatedly assured that it had no sympathy with the terrorists and would like to end terrorism forthwith and even supported the demand for speedy trials. The House on the other hand would protect those who had no connection with terrorists. Mr. Mitra said that lately there had been apprehensions that the judiciary was entirely under the control of the Executive. There were only the High Courts which were free from the control. The revisional powers of the High Courts should not, therefore, be taken away and the accused should not be denied the chance of approaching the High Courts for justice. Mr. Mitra referred to the collective fine recently imposed on the Hindus of Chittagong and said that it was the police and the military who had failed to trace the whereabouts of the culprits and who should be punished.

Mr. S. C. Sen claimed that no useful purpose would be served by circulating the bill. The speaker gave the history of the terrorist movement in Bengal and said that progressively increased powers were assumed by the Government from time to time which every time were discovered to be inadequate and inefficacious. The present bill put the Kowlat Act in the shade and Mr. Sen claimed that an undiluted form of martial law would be much preferred to what was being done in Chittagong to-day under the name of civil administration. The inhabitants there could be directed to remain within doors for one month and the collective fine was imposed on Hindus where 82 per cent of the population was of Mussalmans. The foundations of British rule, he said, were laid on the rock of just laws, and their just interpretation, but to-day the rule of the law was being substituted by the rule of the police. Mr. Sen, continuing, said he had been reliably informed that the Chittagong raid was engendered by the authorities including the district Magistrate and cited several instances to prove that sanction for prosecution was refused which showed that the Government for upholding a false idea of prestige was alienating public opinion. It was time that the Government appoint a committee to find the causes of terrorism instead of applying repression. As remedy of this evil, Mr. Sen suggested the separation of the judiciary from the executive and making the High Court all powerful in judicial matters.

Mr. Jadhav supported the motion for circulation as it affected the High Courts' jurisdiction and power of revision. He was afraid that the bill might be extended to other provinces also. He said that martial law in Sholapur had undermined the confidence of the people in the justice of the Government and Government would not be able to command the love and affection of the people by repressive methods.

Mr. Aniksearia and Mr. Dudhuria opposed the motion for circulation as in their opinion the measure was being insistently demanded as terrorism had eaten into

the vitals of Bengal administration. Mr. Dudhuria maintained that the principle of the bill had been already accepted by the Bengal Council.

Mr. B. N. Misra maintained that it was the folly of the Government subordinates who converted men into anarchists. Government instead of employing the C. I. D. to trace anarchists should find out the root cause of the movement.

Mr. Haig, the Home Member, was glad that the bill had received support from all sides of the House. He said it was not a question of Government smelling anarchy everywhere. 'It is the long catalogue of outrages that obtrudes on the attention of every reasonable person.' Pandit Sen had declared that terrorism begets terrorism. This was an amazing inversion of facts. The Home Member said that the first terrorist outrage against the army in Chittagong had occurred just when the special powers against terrorists had been allowed to lapse. There was no provocation. August 1931 witnessed a deplorable incident when certain excesses were committed. It was the murder of an inspector while playing football that had proved too much for the discipline of some of the officers of the Government. September 1932 witnessed an outrage and he wondered whether Pandit Sen suggested that events of a year ago could have any connection with them. Mr. Sen had suggested another enquiry. Mr. Haig said that the Rowlett Committee had made a full enquiry and the Government's present policy was based on the recommendations of the Rowlett Committee. Mr. Sen had suggested remedies firstly, that the Government should not stand on prestige. Mr. Haig asked, 'Does Government consider it a matter of prestige that it should take action when its officers are murdered? The second suggestion was the separation of the judiciary from the executive. Mr. Haig replied that terrorists were not interested in these small matters and they stood for bigger issues. The third suggestion was that if the Government removed certain officials, the terrorists would be pacified. Mr. Haig replied, 'The reputation of Mr. Prentice does not require any defence. I would suggest that to locate causes of terrorism, we have to go deeper. They are men who, however, are devoted deeply to their cause and it is a matter of great difficulty and I am afraid it will be a matter of a long period before we can root out this terrorist movement and the terrorist mentality, and in this task we must give the Bengal Government whatever facilities lie in our power.' (Applause.)

The motion for circulation was defeated and the House agreed to take the bill into consideration. Discussion then proceeded on the clauses of the bill. Clause second, third and fourth were adopted and the Assembly adjourned till the 14th.

#### CLAUSE 5 DISCUSSED.

**14th. DECEMBER :—**Mr. S. C. Sen, moving the deletion of clause 5 to-day, said that the preamble of the bill indicated that it was to supplement the Bengal Act, while clause 5 amended that Act and even repealed certain portion of it.

The Law Member, on behalf of the Government, stated that under the ordinary law the right of admitting an appeal was given to different courts. Under the bill they were changing the procedure, with a view to ensure speedy trials and avoid dilatory tactics of the accused. Having done that, the Government had given greater right of appeal to the accused in every case. With regard to the second contention of Mr. S. C. Sen, the Law Member stated that the bill having received the sanction of the Governor-General, they could supplement or amend the Bengal law. It was not *ultra vires* and the preamble was never an operative part of the bill. The Law Member said that the High Courts derived their authority from various sources. The bill would take away the powers granted under the Criminal Procedure Code and by the legislature, but would keep intact the powers granted under the Government of India Act.

Sir Abdur Rahim was unable to understand how the revisional powers of the High Courts could be maintained if the clause in the present form was adopted even with the amendments tabled by the Government. Revisional powers were given to the High Courts in the interest of keeping certain check on the judiciary and no good purpose would be served if that power was now taken away. The Government were giving powers to magistrates of at least four years' standing to pass sentences of any length and it was only fair if the accused in the interest of a fair trial had the right to approach the High Courts. Under the ordinary law the accused had two chances, one of appealing before the sessions judge and the other of approaching the High Courts for revision, and in saying that they would allow appeals in all cases, they were not conferring any special benefit on the accused.

Mr. Lalchand Navalrai said that the clause took away the right of appeal to High Courts from persons sentenced to two years' imprisonment or under and also all powers from non-chartered High Courts and the judicial commissioner courts. It was against all canons of justice that the Government should lay that certain accused be tried by such and such magistrate, without any chance being given to the accused to have his case transferred. He reminded the House that the right for transferring cases had been much curtailed recently by the legislature.

Mr. Ranga Iyer said that the Opposition laid great stress on the amendment. Their objection was that the clause would restrict the right which otherwise would be enjoyed by internees under the regulations. If the Government referred the bill to the Calcutta High Court, the opinion they would receive from there would not be very welcome to them.

Mr. S. C. Mitra wanted the Government to define the powers which they intended to take away under the bill, while Pandit Sen pleaded for a fair trial even for terrorists.

Mr. Jay claimed that people had not yet lost faith in the High Courts and clause 5 was a sort of no confidence motion by the Government in the Indian High Courts.

Mr. Baig said the Government definitely wanted to take away the powers given to High Courts by the Criminal Procedure Code and the Legislature. The Government held the result of the clause to be to put a stop to dilatory motions and to curtail multiplicity of proceedings. The bill dealt with a particular type of offences and the right of appeal to High Courts had not been taken away.

The amendment was defeated by 28 votes to 55 and the amendments of the Law Member, that provided always that nothing herein contained shall affect the powers of High Courts under sec. 107 of the Government of India Act, was accepted by the House. So also was the amendment of Sir Mohamed Yakub which omitted the words 'by whatsoever authority made or done'. The House thereafter passed the second reading of the bill.

Mr. Amarnath Dutt in opposing the third reading of the bill said that if the whole world were in favour of passing the bill he alone would stand against it. He observed that the lawlessness of the Government officials was unbearable and giving them an assurance of protection before any act of terrorism would put an end to law and order in the country.

Mr. S. C. Mitra pointed out that the causes of terrorism were poverty and unemployment. Government having failed to deal with it by drastic laws, they should try another method which was a declaration that India would have Dominion Status at the end of the Round Table Conference with or without Federation.

Mr. Sitarama Raju asserted that the real object of the Government was to escape scrutiny by High Courts in cases in which they were not confident. Lawlessness was no remedy against lawlessness but Government should see that innocent people did not suffer. A subject nation would not have respect for the law unless it was assured that it would be administered fairly and squarely.

Mr. Gopal claimed that the bill would not check terrorism. Government had a majority in the House by which they could get even the worst laws passed but they should not have taken advantages of it. They should have moved with the spirit of the times.

Mr. Baig replying to the debate said: 'The hon. member who just sat down says that this bill and the Ordinance Bill were measures by which the Government intended to fight the people. This measure as I said in an earlier speech is a small but essential link in the chain of action we are taking for the suppression of terrorism. I do not believe the people of this country stand for terrorism. (Applause).

The motion for the final reading of the Bill was agreed to amidst cheers.

#### The Ottawa Tariff Bill

Sir Joseph Borge moved the consideration of the Ottawa Tariff Bill as amended by the select committee. He said the fact that the committee had produced an unanimous report constituted conclusive evidence of the extent to which the Government were prepared to go to meet the reasonable point of view of the other side.

Mr. Raju, a member of the select committee, said that they as members knew that the principle underlying the bill, to which he was opposed, could not be reopened in the committee. They tried their best to mitigate any hardship the legislation might cause, but they suffered from several handicaps. Firstly, the Assembly had favoured preference for the United Kingdom. Secondly, Government had no information regarding indus-

trial production in the country. Thirdly, customs revenues could not be sacrificed. Fourthly, customs officials were to distinguish between articles of various origins and those having empire content. He added : 'Indeed I am convinced after going into this committee, that there should have been a full enquiry by the Tariff Board before the Assembly was asked to accept the agreement.'

Mr. Raju hoped the Government would proceed immediately to collect material about industrial production and place it before the Assembly committee. He said the Commerce Member had already given the assurance that any industry which was found to be hit would receive consideration.

The House agreed to take the bill as amended by the Select Committee into consideration and to proceed to discuss amendments clauses and the schedule.

#### DEBATE ON AMENDMENTS

*Bhai Parmanand* moved an amendment that in clause 2 of the bill 'genuine' be inserted before the word 'produce.' He said that his amendment was not against the interest of the British manufactures, nor against the principles of the Ottawa Agreement but was a safeguard for protecting genuine industries from unfair competition often employed by people in international trade. He quoted instances of countries like Japan and Italy where false labels were used.

*Mr. Shannukham Chetty*, opposing the amendment, remarked that *Bhai Parmanand* was working under a misapprehension regarding the scheme of empire preference. The scheme was new to them but it was in practice in countries like Canada for a long time. Regarding the apprehension of *Bhai Parmanand* that preference to England might lead to abuse in case Britain bought chemicals from Germany and reshipped them into India as its own produce, *Mr. Chetty* maintained that clause 2 gave to the Governor-General power to make rules to provide against such an evil.

*Mr. Lalchand Navatrai*, supporting the amendment, said that there would be no harm if the word 'genuine' was inserted before 'produce' before the Governor-General made rules for preventing such an evil as it was merely a safeguard.

*Mr. Jadhav* agreed with *Mr. Chetty* and held that since England had no free trade policy it could not import a thing from Germany for reshipping into India as it would have to pay duty.

*Sir Joseph Blore* assured that the rules to be framed would be enough to safeguard against misapprehensions and would be neither unduly rigid nor lax.

The amendment was withdrawn and all clauses of the bill were adopted.

During the consideration of the schedule *Mr. Jadhav* moved for the raising of the duty to 35 and 25 per cent. on essential oils which were manufactured in India.

The Commerce Member replying said that the Select Committee had carefully considered all those cases regarding which amendments had been tabled. Most of these commodities were used as raw material for things manufactured in India and the Government did not feel justified in burdening the industry by additional taxation on raw materials.

The amendment was withdrawn.

*Mr. Thampian* pleaded on behalf of the copra industry which he claimed was the mainstay of the people in the south and on the coast. He wanted a higher duty, while maintaining the ratio of preference granted under the Ottawa Agreement.

*Mr. Ranga Iyer* pointed out that in Malabar more copra was produced than was required by India.

The Commerce Member asserted that *Mr. Ranga Iyer* was wrong and the copra produced in Malabar was only sufficient for Indian needs. He could not understand why 20 per cent. duty would not allow Malabar copra to compete with the imported one.

The amendment was rejected.

*Mr. Jadhav* by another amendment raised the question of cutlery and said if the financial condition of the country was to improve industries like cutlery, it should be encouraged by suitable tariffs and the protection hitherto enjoyed by that industry should be continued.

*Sir Joseph Blore* pointed out that neither Government nor the Ottawa Select Committee had received any representation from cutlery interests in India and the country manufactured only those items under that head which were not imported from abroad.

The amendment was rejected and the House adjourned.

**15th. DECEMBER :—**Mr. Ramkrishna Reddy moved to-day for reduction of the duty on mineral oils, nine million gallons of which, he said, was imported from the United States and one million gallons from the United Kingdom. Sir Joseph Bhore would not accept the amendment on financial grounds. The amendment was rejected.

Mr. Jadhav moved and Mr. Jog supported an amendment for raising the duty on boots and shoes. Sir Joseph Bhore pointed out that imports did not compete with the local industry. The amendment was lost.

Mr. Ramkrishna Reddy through another amendment raised the question of the growing motor-traffic and wanted a lowering of duty on cars.

Sir Joseph Bhore did not think it was time for a general lowering of duties. Their aim was to fit in preferential tariffs without seriously dislocating or disturbing trade. The amendment was lost.

Mr. Ramkrishna Reddy through an amendment pleaded the cause of the cinema film industry and wanted a lowering of duty to 10 per cent.

Sir Joseph Bhore assured that he was watching the progress of the industry with the greatest care and every representation of the industry would be given the most sympathetic consideration, though it was not possible to accept the amendment.

In view of Mr. Bhore's assurance Mr. Reddy withdrew the amendment.

Mr. Ramkrishna Reddy then moved the last of the amendments in respect of betel nuts. He pleaded that these nuts were largely consumed by poor people. As India imported a large quantity of foreign stuff preference would affect the consumer adversely. The Commerce Member on grounds of revenue could not accept the amendment. The motion was lost.

#### MOTION FOR THIRD READING.

Sir Joseph Bhore moved the third reading of the bill as reported by the Select Committee.

Sir Abdur Rahim, opposing the entire bill, declared that the scheme was a pure gamble and the Government was unjustified in dealing with the measure at the instance of the British Government. Referring to the effect of the Ottawa Agreement the speaker said : 'We know that such extensive alteration in the tariff is bound to affect either the consumer or the indigenous industries. There is no estimate to show who will suffer. Tariffs would be of no avail to the British. They derive advantage at the expense of other foreign exporters and at also of the indigenous industry in this country. The Finance Member's estimates on the subject must also be in the nature of a conjecture. I feel very strongly that the report of the Select Committee on the Tariff Bill does not reassure us to any extent whatever. The position remains as obscure, as full of risks, real risks to the public revenue, to the public at large and the consumer and to whatever industries we have in this country. On these grounds I oppose the bill.'

Mr. Sitarama Raju : 'The occasion is only to write the epitaph on the graves of our opinions in this matter. We have been beaten, badly beaten, not by Mr. Chetty, nor by Sir Joseph Bhore but by our misguided countrymen who boycotted the legislature.'

Mr. S. C. Mitra replied that as happened in all Parliaments the Opposition even when opposed to a bill and its principle provided membership for the Select Committee. 'We went there, I and Mr. Raju, to minimise according to our lights the demerits inherent in the proposals.'

Sir Joseph Bhore said : 'The leader of the Independents and two others who have spoken have done so out of the conviction that they should adhere to their original views, not with a view to convince the House by argument at this stage.' He repeated that preferential duties covered only 22 per cent. of imported articles and concluded : 'Those who have voted against us will realise and admit that if we fought and fought strenuously on that occasion, it was because we were inspired with the honest conviction that what we were doing was in the best interests of India. I hope the House will let the controversy rest there for the present.'

#### BILL PASSED

The motion for passing the bill was put to vote and the President declared, 'Ayes have it.' The Opposition did not press for division and the bill was declared passed amidst cheers. The Assembly then adjourned *sine die*.

# THE BENGAL LEGISLATIVE COUNCIL

OPENING DAY—CALCUTTA, 1st. AUGUST 1932

## SEPARATION OF LEGISLATIVE DEPT.

The August session of the Bengal Legislative Council opened at Calcutta on the 1st. August 1932. At the outset the *President*, the Raja Saheb of Santosh formally announcing the Government's decision to completely separate the Council Department from the Legislative Department recalled that it was Sir Stanley Jackson who led the Government to accept the principle of separation, but unfortunately a deadlock followed. Later, the scheme was considered by Mr. Woodhead, the present Finance Member, with sympathy and fairness. But if he was to point out the authority who made the separation a reality, said the President, he must ask the House to turn its eyes gratefully to the forceful personality of Sir John Anderson.

## MOTION FOR JOINT ELECTORATE

Maulvi Abdus Samad then moved a resolution recommending that it be conveyed to the proper authorities that, in the opinion of the Council, the system of separate electorate was anti-national and inconsistent with a Responsible form of Government and also highly prejudicial to the interests of the minority communities and as such, in the future constitution of the country, it should be replaced by a system of joint electorate. Moving his resolution Maulvi Abdus Samad said that since the inauguration of the Reformed Constitution, the feelings between the two communities were being gradually embittered and communal riots of the worst type were daily occurring all over the country. It was this "pernicious" system of communal electorate which prevented the growth of Indian Nationalism. The most important ground on which every well-wisher of the country should oppose separate electorate, was that under such a system elections were sought and contested on communal and religious issues and not on political and economic issues with the inevitable result that they tended to keep alive bigotry and religious fanaticism—the greatest obstacle to human progress. Regarding the other point that the majority of the Muslim community favoured separate electorate, the Maulvi agreed that Muslims as a weaker community were entitled to claim on political and economic grounds concessions which were anti-national in character. But he added that they had no right to claim, nor had the other communities any right to concede it, when the right claimed was anti-national in character and struck at the very root of Responsible Government. If the Muslims thought that Responsible Government was detrimental to the interests of the Muslim community, they should have the courage to say so plainly.

Mr. Tamizuddin Khan moved an amendment, which wanted to delete the following portion from Mr. Abdus Samad's resolutions:—"Is anti-national and inconsistent with a responsible form of Government and also highly prejudicial to the minority communities and as such." Mr. Khan's amendment ran thus: "The Council recommends to the Government that it be pleased to inform the authorities concerned that, in the opinion of the Council, the system of separate electorate should in the future Constitution be replaced by joint electorates provided the electorate is based upon universal adult suffrage, and there is no reservation of seats for any community or any interest such as landlords, commerce, university and the like."

Discussion was not over when the Council adjourned for the day.

2nd. AUGUST :—Mr. W. H. Thompson, Leader of the European Group, pointed out that all the speakers seemed to have accepted the ideal of 'one man one vote' and to have looked upon universal suffrage as the goal to attain which England had been trying and which it had ultimately reached. They imagined that it was the ideal which every country should aim at. "But I am not by any means sure," continued Mr. Thompson, "that England is too pleased with that goal, now that it has been reached by falling into pitfalls into which politicians in England as everywhere else fall." Concluding, Mr. Thompson said that it was altogether impossible

that in the future they might find political organisations even in England to give a direction to some movement which would give due weight to the vote which was cast with knowledge behind it. He suggested that the ideal of universal suffrage was certainly of doubtful value.

*Khan Bahadur Abul Momin* said that each community was really fighting for a majority in the legislature. Muslims relying on numerical strength were claiming a majority of seats in the Bengal Legislature, while the Hindus, claiming alleged superiority in educational and economic conditions, were demanding the same. In thinking about the electorates question, Hindus and Muslims alike did not think in terms of Indians, but in terms of Hindus and Mussalmans. It was, he thought, impossible, at the present moment, to bring the Hindus and Mussalmans together, as it was impossible to fix oil and water together.

Opposing both the resolution and the amendment, *Mr. H. S. Suhrawardy*, contended that separate electorates were necessary in the larger interests of the country.

*Mr. J. L. Banerjee* said that the Hindu community was prepared to be swamped out from any particular constituency for the sake of nationhood.

*Mr. Banerjee* said it was his personal view that universal adult franchise was not practical politics at present, because, he thought, the constituencies would break down under their own weight and far from being helpful to the growth of democracy, would prove to be its enemy.

*Rev. B. A. Nag*, speaking on behalf of the Indian Christian community, wholeheartedly supported joint electorates.

Explaining the attitude of the Government in connection with the resolution and the amendment, *Mr. R. N. Reid*, Home Member, said that in a fully democratic constitution separate electorates were out of place, but practical considerations indicated that separate electorates must continue for a time. *Mr. Abdus Samad's* resolution, he continued, could not be accepted but it had been decided that the Government members should not vote.

After a few more speeches the Council adopted by 47 votes to 32 *Mr. Tamizuddin Khan's* amendment that the Government be pleased to inform the authorities concerned that, in the opinion of the Council, in the future constitution of the country, the system of separate electorate be replaced by a system of joint electorate.

The Council defeated by 42 to 25 votes *Mr. Tamizuddin Khan's* provision that joint electorate should replace separate electorate, on condition that the electorate was based on universal adult suffrage and there was no reservation of seats for any community or interest such as Landlords, Commerce, University, and the like.

*Mr. Tamizuddin's* amendment was put to vote in two parts by the President. The first for replacement of separate electorates by joint electorates was carried by 41 to 37 votes. When that was put as a substantive resolution modifying the original resolution of *Mr. Abdus Samad*, in which he had characterised separate electorate as "anti-national and inconsistent with a responsible form of Government," it was carried by 47 to 32 as stated. In all the three divisions that took place the Government members refrained from voting.

#### READJUSTING PROVINCIAL BOUNDARIES.

**3rd. AUGUST** :—*Mr. N. K. Basu* moved a resolution to-day recommending to the local government "to move the Government of India for the appointment of a commission to readjust provincial boundaries in order to bring all Bengali-speaking people under one and the same provincial administration." Speaking to allay the suspicion from the minds of the Muslims, *Mr. Basu* said that even if the bordering Bengali-speaking districts were included in Bengal it would not give a majority for the Bengali Hindus.

Opposing *Mr. Tamizuddin Khan* said that though there might be linguistic affinity between Bengales and the people of the bordering districts they were ethnologically different.

*Mr. A. K. Fazlul Huq*, while agreeing with the broad principle of the resolution, said that the time for such a step was not opportune at the present.

The Hon. *Mr. R. N. Reid*, Home Member, while opposing the resolution on behalf of the Government said that such a step at the present juncture would only create political turmoil.

The resolution was defeated by 60 votes to 41 and the Council adjourned.



## SUPPRESSION OF IMMORAL TRAFFIC

4th. AUGUST :—The Council to-day discussed the non-official bill of Mr. J. N. Basu, Liberal leader, to refer the *Bengal Suppression of Immoral Traffic Bill* of 1933 to a Select Committee. Mr. W. E. Wordsworth and Khan Bahadur Abdul Momin supported the reference, while Mr. N. K. Basu and Mr. Abdul Kaseem opposed it. Nearly 100 ladies belonging to different women's associations attended the meeting as visitors. A petition signed by over 1,600 people supporting the Bill had been sent to the members.

Moving the reference of the Bill to a Select Committee, Mr. J. N. Basu said that the Bill aimed at eradicating one of the most degraded forms of slavery, namely, commercialised vice, which had assumed serious proportions. It was necessary that they should no longer remain indifferent, but devise to suppress this hideous form of human slavery, which ruined the lives and the future of many girls and grown-up women.

Khan Bahadur Abdul Momin and Mr. W. C. Wordsworth supported the reference of the Bill to a select committee. The latter said that civilised nations must do what they could to fight this danger, and prevent men and women from deliberately imposing this hideous form of slavery on helpless girls. If they rejected the Bill at this stage, they would depress public opinion, and in so doing would be going home that evening, as stealthily as possible, escaping the eyes that had come to see them do their duty. Mr. N. K. Basu, opposing the motion for reference, said that it was a hasty piece of legislation, and, if passed, would tend to drive the vice underground.

## CALCUTTA MUNICIPAL AMENDMENT BILL

5th. AUGUST :—After further discussion to-day the Immoral Traffic Bill was referred to a Select Committee. The Government then suffered a defeat when, in spite of opposition by the Hon. Mr. B. P. Singh Roy, Minister for Local Self-Government, the Council referred the Bill of Mr. Muzindra Deb Rai Mahasas to amend the Calcutta Municipal Act to a select committee by 55 votes to 38. The object of the Bill was to create Kalighat a separate ward in the matter of representation to the Calcutta Corporation.

The Hon'ble Mr. R. N. Reid, Home Member, said that the Government did not oppose the reference to a Select Committee, but kept an open mind as to how far the Bill would require modification in the Committee, so that it might be workable to achieve the result it had in view.

## DISORDERS COMPENSATION BILL

The Council decided to recirculate the Bengal Disorders Compensation Bills of Mr. Satyendra Kumar Das. The object of the Bill was to compensate sufferers from acts of unlawful assemblies including those of a communal nature.

The Home Member, supporting recirculation, instead of a reference of the Bill to a Select Committee as urged by the mover, said that having regard to the importance of the Bill, it should be recirculated for eliciting public opinion. The Bill was based on the Bombay Act and from the information at his disposal, he could say that the Act had not succeeded in eliminating communal riots from Bombay.

## NON-OFFICIAL BILLS

The Council passed the *Cess Amendment Bill* of Mr. K. M. Roy. The Council decided to circulate the *Mela Sanitation Bill* of Khan Bahadur Azzizul Huq for eliciting public opinion. The Bill aimed at making better provisions for public health and sanitation in the presidency of Bengal. The Council also agreed to refer the *Waqf Bill* of Maulvi Abdul Choudhury to a Select Committee. The object of the Bill was to recover and administer the Waqfs in Bengal for promotion of education, sanitation, etc.

## TERRORIST OUTRAGE CONDEMNED

8th. AUGUST :—Before the business was resumed to-day references were made of the death from revolver wounds of Mr. Ellison and the attack on the life of Sir Alfred Watson. Members were unanimous in condemning the cult of assassination and conveyed their condolences to Mrs. Ellison and congratulations to Sir Alfred Watson.

## SUPPLEMENTARY GRANTS

On the motion of Mr. J. A. Woodhead, Finance Member, the Council granted about Rs. 3,000 for the year 1932-33 towards the formation of a separate Legislative Council Department. On the motion of the Hon'ble Mr. B. P. Singh Roy, Minister for Local Self-Government, the Council granted Rs. 80,000 as aid to the Calcutta Hospital Nurses Institution. A sum of Rs. 1,68,202 was granted by the Council on the motion of the Hon'ble Nawab K. G. M. Faruqi under the head "Civil Works" for (1) a second additional special jail at Dum Dum, (2) the reconstruction of the Mymensingh Jail, (3) structural alterations in the female ward of the Berhampur Jail, (4) construction of cells in the Rajshahi Central Jail, and (5) construction of temporary sheds in the Dacca Central Jail. A token "cut" by Dr. Naresh Chandra Sen Gupta, for drawing the attention of the Government to "the wholly insufficient accommodation in the Dum Dum Special Jail and the overcrowding of prisoners in jails" was however lost without division.

## OFFICIAL BILLS

The Council passed the Hon'ble Mr. B. P. Singh Roy's *Bengal Opium Smoking Bill*, and referred to a select committee the *Opium (Bengal Amendment) Bill*.

## \*Bengal Terrorist Outrages Bill

9th. AUGUST :—The Hon'ble Mr. R. N. Reid, Home Member, introduced to-day the *Bengal Suppression of Terrorist Outrages Bill*\* and in doing so explained the principles underlying the Bill. Moving for reference of the Bill to a Select Committee, Mr. Reid said that the period of the Bill was coincident only with the Bengal Criminal Law Amendment Act of 1930. Adding that crime of an abnormal nature and on an abnormal measures must be met by abnormal measures, Mr. Reid assured that no law-abiding person need be frightened. Mr. W. H. Thompson, on behalf of the European group supporting the Bill, suggested that a large section of the elite Hindus sympathised with the terrorists. This allegation was challenged by Mr. J. N. Gupta and several other Hindu members. Mr. J. L. Banerji, on the other hand, remarked that there was no gainsaying the fact that there was a strong measure of public sympathy for the terrorists. In the course of the debate Mr. Reid announced that a statement would be made during the session regarding the Chittagong Enquiry Report.

The oppositionists consisted mainly of Hindu members, while the Government was supported by the European members, practically the whole of the Mahommedan members and a few Hindu members. A few Mahommedan members remained neutral during the two divisions. The main contention of the oppositionists was that the Bill would not achieve the objects it aimed at; for, in spite of the operation of the Ordinances on which the present Bill was based, terrorist activities had continued. Men who went out determined to murder with revolvers in one hand and poison in the other, they thought, would not be affected by this Bill. The Council rejected the non-official motion of Mr. S. C. Roy Chowdhury to circulate the Bill for eliciting public opinion by August 31 by 69 to 26 votes. The Council then referred the Bill to a Select Committee by 72 against 20 votes.

\*The object of the Bill was to grant special powers to the Local Government to suppress terrorist crimes when the powers granted by the Ordinances lapsed. One of the Ordinances in force was due to expire on November 27th and the other on December 29th. The Bill followed closely the lines of the Bengal Emergency Powers Ordinances XI of 1932 and IX of 1932. There was no marked departure from the provisions of these Ordinances, except that the power to constitute Special Tribunals conferred by Ordinance XI of 1932, but not by Ordinance IX of 1932, had been dropped. The Bill had been divided into two chapters and in the first instance extended to the Chittagong district, where events had shown that absconders in the Chittagong Armoury Raid Case were still in hiding. But any or all of the provisions might be extended to any other area in Bengal by the Governor-in-Council. The second chapter, which extended to the whole of Bengal, provided for a court of Special Magistrates for the speedier trial of offences, and for the hearing of appeals from the judgments of such courts.

## DISCUSSION ON FEDERAL REPORT

**10th. AUGUST :—**The special motion of *Rai Bahadur K. C. Banerji*, recommending to the Local Government to convey to the proper authorities the opinion of the Council, that "the recommendations of the Federal Finance Committee regarding Bengal are wholly unsatisfactory and unacceptable, and that the province should receive its full share from the income-tax receipts from the province and the entire proceeds of the export duty on jute" was carried unanimously in the Council, after a two hours' debate to-day.

Indicating the Government's views, the Hon'ble *Mr. J. A. Woodhead*, Finance Member, said that the Local Government had forwarded in June last an expression of their opinion on the Committee's recommendations. The official view was already before the Government of India and the Secretary of State for India, and if the resolution was carried, the two higher authorities would also have before them the views of the non-official members of the Council. He added that, on essential points, non-official opinion was in close accord with the views of the Government. He also promised to communicate at once to the Government of India the purport of the day's proceedings if the resolution was carried.

## The Bengal Municipal Amendment Bill

The Council then proceeded to discuss the Bengal Municipal Bill, the Report of the Select Committee thereon being presented by the Hon'ble Minister *Mr. B. P. Singh Roy*. Claiming that the Bill would fit the new conditions, the Minister said that its recommendations so far as franchise was concerned, went beyond those of the Indian Franchise Committee, except in regard to educational qualifications. He added that women would be enfranchised, and placed on the same footing as men. He announced that an agreed solution regarding the question of minority representation had been reached on the basis of joint electorates with reservation of seats.

The House without a division rejected the motion of *Mr. S. N. Roy* to commit the Bill to a Select Committee for further consideration, and decided to take the measure into consideration.

The Bill contained 547 clauses, and more than 2,000 amendments had been tabled.

## PROPOSAL TO ABOLISH NOMINATIONS

**11th. AUGUST :—**Considering the Bill, clause by clause, the Council to-day decided to retain the system of nomination by 75 votes to 20 and rejected the amendment of *Mr. S. N. Roy* to do away with nominations altogether.

By 71 votes to 21 the Council defeated the amendment of *Mr. J. L. Banerjee* to reduce the proportion of the nominated members from one-fourth to one-fifth.

*Mr. J. L. Banerjee* characterised the system of nomination as "pernicious", supporting the amendment of *Mr. S. N. Roy*, which wanted to do away with nominations altogether.

*Rev. B. A. Nag* (nominated) opposed the amendments as, in his opinion, nominated members served a useful purpose.

A wordy duel followed between the two speakers, *Mr. Banerjee* claiming that elected members had the right to vote freely, while nominated members voted in one particular way, and represented none but their "god-fathers."

Retorting, *Mr. Nag* said that he had voted on occasions against the Government but none of any political party had ever voted against the decision of the party. "Did not the slavish following by the elected members of their party leaders do more harm than the following of the lead of the Government by nominated members?" he asked. The whole House burst into laughter.

*Mr. B. P. Singh Roy*, Minister, opposing the amendment, said that it gave no particular pleasure to the Government to retain nominations, because the Government had no interest to do so. But they had to do it in the interest of the minority. There was a minority, which was anxious to be represented as it found itself in a hopeless position in elections. That being the position, the Government could not ignore the minority.

**12th. AUGUST :—**The House rejected the amendment of *Rai Bahadur Haridhram Dutt* to-day to fetter the Government's discretion regarding nomination by providing that nomination should be made to secure the association with the municipal administration of persons specially fitted, in the opinion of the local Government, to be com-

missioners and to secure the representation of minorities and special interests, including the backward and labouring classes.

By 87 to 10 votes, the House similarly negatived the amendment of Mr. *Kishori Mohan Choudhuri* which wanted that instead of one-fourth of the members being nominated by the Government, they should be coopted and elected by the commissioners. An attempt to reserve one-third of the nominated seats for the depressed classes also failed. The Council then adjourned.

#### JOINT ELECTORATES WITH RESERVATION

**15th. AUGUST :—**On the motion of the Hon. Mr. *B. P. Singh Roy*, Minister for Local Self-Government, the Council unanimously decided to-day to introduce joint electorate with reservation of seats for the minority communities in the Municipalities, in accordance with the proportion of such communities to the total population in Municipalities according to the latest census. The Government was further given the right to determine whether any community in a particular municipality should be deemed to be a minority community. It was further provided that no person belonging to a minority community, if eligible for election as Commissioner, be disqualified from contesting a seat not so reserved. The Minister hoped that Bengal would give a lead to the rest of India on this thorny question, as it had done in the past in other matters.

An objection was raised by several Hindu members on the ground that it was "a surprise motion." They wanted a day's time to consider the proposal, but the leaders of various sections of the House opposed a day's adjournment and agreed only to a short postponement to enable the members concerned to consider the proposal. Accordingly, the President adjourned the House for half an hour.

Supporting the amendment, Mr. *A. K. Fazl-ul-Huq*, on behalf of the Moslem community, said that this agreed decision gave the lie direct to those who said that Hindus and Moslems could not agree on this important question. He added that though it did not satisfy the aspirations of all, it gave a fair chance to the Moslem community to get their share in the civic administration of the country. Replying to Mr. *N. K. Basu*, Mr. *Huq* said that there was none among the Moslems who would refuse to reserve seats for the Hindus in local self-governing bodies where they were in a minority.

Mr. *J. L. Banerji* remarked that the Bill was retrograde in so far as it handicapped joint electorate by attaching to it certain conditions. He, however, welcomed it as it was for the first time that the Moslem community could be persuaded to accept the principle of joint electorate, which marked a new opening in their national history.

*Khan Bahadur Asif-ul-Huq* emphasised that whatever might be the nature of the electorate in municipalities and other local bodies, council electorates stood on a different footing and Mussalmans were still pledged to separate electorates so far as representation to the legislature was concerned.

The House, by 58 against 14 votes, rejected the amendment of *Maulvi Abdul Hamid Shah*, refusing the right to women to stand as candidates for municipal elections.

Earlier, the House decided that the number of nominated Commissioners in industrial areas be limited to 50 per cent, and on the motion of Mr. *C. G. Cooper*, resolved that the election or nomination of Commissioners in such special industrial municipal areas be made from among persons directly concerned with such industry.

#### STATEMENT ON CHITTAGONG INCIDENTS

**16th. AUGUST :—**Mr. *R. N. Reil*, Home Member, made the following statement after interpellations to-day on the incidents of Chittagong in August and September, 1931, and the Government's conclusions thereon :—

The Government have considered very carefully the report of the commissioner on those incidents and all other information available, and have also been in close consultation with the Government of India on the subject. The conclusion they have come to is that, following on the intense feeling aroused by the murder of *Khan Bahadur Maulvi Asanullah* on Aug. 30, 1931, coupled with the long continued strain to which the local officers had been subjected for a period of over 18 months, certain breaches of discipline were committed and certain damage was done to private property which cannot be condemned. As a result of this, the Govern-

ment have taken suitable disciplinary action against the officers at fault and I am authorised to state that this action has the full approval of the Government of India. Certain claims for compensation have been put forward and are being dealt with on their merits.

#### Bengal Municipal Amendment Bill ( Contd. )

The House then disposed of nearly 200 amendments of the Municipal Amendment Bill. The main discussion centred round the attempt of *Khan Bahadur Azizul Haq* to lower the standard of franchise, his idea being that a bare literary test should be the qualification of voters. The Minister opposed the amendment, which was defeated by 57 to 28 votes. The House accepted the franchise qualification as embodied in the bill, namely, passing of the matriculation examination.

#### Bengal Terrorist Outrages Bill ( Contd. )

18th. AUGUST :—*Mr. R. N. Reid*, Home Member, presented to-day the select committee's report on the Bengal Suppression of Terrorist Outrages Bill. The report was signed by 11 members, 6 of whom submitted minutes of dissent on certain points. In the opinion of the committee, the bill had not been so altered as to require republication, and they recommended that the bill as amended be passed. Of the changes introduced a proviso had been added that reasonable notice and reasonable facilities for withdrawal must be given to persons occupying a building before it is taken possession of. A new clause had been added putting the provision for compensation in a mandatory form in the case of persons suffering loss by exercise of the powers conferred on the Government to take possession of movable and immovable property.

#### Bengal Municipal Amendment Bill ( Contd. )

The Government then suffered two defeats in connection with the Municipal Bill. The Council rejected by 45 to 41 votes the amendment of the Minister, *Mr. B. P. Singh Roy*, providing that the election of municipal chairmen shall be subject to the approval of the local Government. The second defeat was sustained when the House, by 7 votes to 36, rejected the amendment of the Minister providing that the delegation of powers by the municipal chairman to the vice-chairman shall be subject to the approval of the local Government.

#### OATH OF ALLEGIANCE

19th. AUGUST :—By 80 votes to 15 the Council to-day rejected the non-official amendment to delete the clause in the Municipal Bill enjoining on the Commissioners to take the oath of allegiance.

The Council rejected without a division an amendment of *Dr. N. C. Sen Gupta* to substitute for the clause in the Bill which empowered the Local Government to remove a commissioner violating the oath of allegiance, one giving power to the Government to remove a Commissioner if only he had been convicted of treason or sedition.

The House, however, defeated the amendment of the Minister, providing that a resolution passed by a Municipality for the removal of a Chairman from office, shall be subject to the approval of the Local Government.

Opposing the amendment to delete the clause relating to the oath of allegiance, the Hon'ble *Mr. B. P. Singh Roy*, Minister for Local Self-Government, said that there was a tendency nowadays to introduce politics into municipal affairs. Referring to the Irish precedent, which had been cited by the members, he hoped the day was far distant when the people of this country would follow the example of *Mr. De Valera*. The oath of allegiance would remind the commissioners that they owed allegiance to the King and that they should not go astray.

Opposing the amendment of *Dr. Sen Gupta*, the Minister said that the retention of powers in the hands of the Government to remove Commissioners for violating the oath was necessary. In support of his argument, the Minister referred to the case of *Mr. Bipin Behari Ganguli*, Councillor of the Calcutta Corporation. That gentleman, the Minister said, had not yet been convicted for waging war against the Crown, but had certainly violated the Oath of Allegiance by implicating himself in a terrorist movement (Voice : Question). If the Government were left without any power to remove a man who had openly and publicly declared his sympathy with

murder, that would be deplorable. It was to provide against such a situation that the clause has been included in the Bill.

**22nd AUGUST:**—Further discussion of the Municipal Bill being taken up to-day the Council disposed of nearly 125 amendments, having finished by this time 1,043 amendments out of the 2,000 tabled.

#### MOTOR VEHICLES TAX ACT AMEND. BILL.

A Bill to amend the Bengal Motor Vehicles Tax Act was next introduced by the Minister Mr. B. P. Singh Roy, and referred to a select committee. A motion for circulating the Bill for eliciting public opinion was lost without division.

#### ADJOURNMENT MOTION ON COMMUNAL AWARD

**23rd. AUGUST:**—The Council held a two hours' debate on Mr. N. K. Basu's adjournment motion to discuss the Prime Minister's Communal Award so far as it affected Bengal. The motion was eventually talked out. Following are some of the criticisms of the members representing all groups.

Mr. N. K. Basu said :—"The Award is a sentence of banishment passed upon the Hindus of Bengal from the legislature of the province...It is undoubtedly a communal award in more than one sense of the term but it is not an award.

The Raja Bahadur of Nashipur said :—"The Award showed a total bankruptcy in the wisdom and statesmanship of the British Cabinet.

Mr. Shibahekharanwar Ray said :—"In all seriousness I would ask my Mahomedan and European colleagues in this Council whether they believe that a Council constituted in accordance with the Award would be popular with that section of the people who have forced the hands of Government to grant us further political power."

Khan Bahadur Abdul Momin said :—"The Muslims of Bengal are also dissatisfied with the Award...What the entire Muslim community of Bengal is sorely grieved at is that the allotment of seats granted to the Muslims by the Award have relegated them to the position of a statutory minority...But I do not think that we shall be justified in condemning the Award."

Mr. Abdul Samad said :—"The Nationalist Muslims are opposed to the Award from the nationalist point of view inasmuch as it seeks to perpetuate the system of separate electorate."

Mr. Fazlul Huq :—"Reject the Award by all means if you have got anything better."

Mr. J. L. Banerjee said :—"The Award given by Mr. Ramsay MacDonald gives a lie direct to his whole political career. It is unworthy of him to make such an Award and unworthy of India to accept it, whatever might be its consequences. The Award offends against the cardinal principle of representative institutions."

Mr. W. H. Thompson said :—"An award of this sort was an absolute necessity. No future constitution of India can be made or made to work unless there is some settlement of the problem of communal representation."

Rev. B. A. Nag said :—"Separate electorate was not wanted by the Indian Christians of Bengal. But we are grateful to the Prime Minister for giving us a chance of choosing our own representatives to the Council."

The Hindu Member said :—"Government do not intend to participate in any way in a discussion on the merits of the Communal Award. It is not for the Local Government to question that Award and it would be presumptuous on my part to comment on it by way of criticism or approbation."

#### The Bengal Municipal Amendment Bill (Contd.)

**25th. AUGUST:**—When further consideration of the Municipal Bill was taken up to-day, the Council rejected the amendment of Dr. Haridhone Dutta to enable Municipalities to present addresses to persons of distinction. Moving his amendment, Dr. Haridhone Dutta failed to understand why there should not be a provision in the Bill to enable municipalities, when they so desired by a majority, to present addresses to distinguished persons, who might happen to pass through those municipalities. In the matter of presentation of addresses there should not be a distinction between officials and non-officials.

Opposing the amendment Mr. B. P. Singh Roy, Minister, said that the Government did not want to make a distinction between officials and non-officials. They realised that the days of officials had gone and that the days of non-officials were

coming. The Government were quite prepared to adapt themselves to the changing circumstances. But in the Minister's opinion, it was highly undesirable that they should put temptations in the way of Commissioners to waste public money in presenting addresses which, in his opinion, was a luxury, and could be afforded only by bodies like the Calcutta Corporation and not by mofussil municipalities.

The Council similarly rejected the amendment of Mr. *Munindra Deb Rai Mahasas* to enable Municipalities to apply their funds for promoting companies for the supply of electricity and gas and to make contributions to recognised associations organised for the common benefit of municipalities subject to the sanction of the Local Government.

Opposing the amendment, the Minister said that if the provisions suggested were allowed to be incorporated in the Bill the effect on Municipal finance would be disastrous. The sources of the municipalities were very slender and if these bodies were allowed to squander money in speculations, the effect on the civic services would be disastrous.

**26th. AUGUST :—**After five hours' deliberations, the Council to-day disposed of nearly 250 amendments, recording very good progress in the discussion of the Municipal Bill. Dr. A. R. Ghose was the mover of a large number of amendments.

**29th. AUGUST :—**More than 160 amendments relating to minor details were disposed of to-day. The amendments related to details of administration, viz, street and building regulations, conservancy, drainage, water-supply and similar subjects. The attendance was thin, and the discussion dull. In the course of five hours' deliberations, two divisions were called, and the Government maintained its view points on both the occasions by an overwhelming majority. Out of a total of 2,000 amendments, the House had already disposed of 1,700 leaving 301 to be dealt with later.

**30th. AUGUST :—**Nearly 130 clauses of the Municipal Bill were disposed of to-day. *Khan Bahadur Abdul Momin's* amendment with regard to licensing of private slaughter houses within the Municipalities was lost by 51 votes to 27. The House carried the clause as it stood in the bill, viz., provision of slaughter houses within or without the Municipalities, was carried by 57 votes to 28.

**31st. AUGUST :—**The Council concluded to-day the consideration of the clauses of the Municipal Bill. The final reading was, however, deferred by the Minister Mr. B. P. Singh Roy till the disposal of other official bills, with a view to examining the effects of the various amendments considered during the last three weeks, and the necessity, if any, of bringing consequential amendments.

Attempts by non-officials to reduce the Government's power in Municipal administration failed. An attack was made by several non-official members upon Sub-Divisional Officers, when the Minister, Mr. B. P. Singh Roy, moved an amendment providing that Sub-Divisional Officers also might be vested with all the powers of the Commissioner of a Division and of a District Magistrate to require a municipality to furnish such statements and accounts, etc., as they thought fit.

Opposing the amendment Mr. N. K. Basu said, that it was not correct to say that Sub-Divisional Officers were very responsible officers of the Government and that it would not be derogatory to the dignity of the municipalities if they were allowed these powers. After all, the less interference they had in the internal affairs of a municipality, the better.

The amendment however was carried by 53 to 42 votes.

#### Bengal Criminal Law (2nd.) Amend. Bill

**1st. SEPTEMBER :—**Without opposition, the Council granted to-day leave to Mr. B. N. Reid, the Home Member, to introduce the Bengal Criminal Law Second Amendment Bill. Describing the difficulties experienced in the Chittagong Armoury Raid Case, the Home Member said that when a notification was issued which constituted the Tribunal in that case, in it were not only the names of the persons who were not present and ready to be tried, but also of a number of those who were accused in the case, but were not then in the hands of the authorities. The case proceeded against those who were present and the trial concluded on the 31st March last. The Government were then informed by their legal advisers that the original Tribunal which had been appointed to try the case and which had concluded the case against the majority of the accused had still

seisin of the case against the remainder. It was clearly inconvenient and undesirable to attempt to reassemble the original Tribunal for the trial of the remaining accused, and it was realised that the remaining accused when they came to be tried would have a legitimate ground of complaint if they were tried by the same Tribunal, which had already come to certain conclusion on the same facts and made up their minds on those facts. That was the purpose of the first amendment. Explaining the second clause, he said that the Bengal Criminal Law Amendment Act was intended to deal with cases arising out of or in connection with the terrorist movement. The method which the terrorist organisation adopted as the chief means of attaining its object, was murder, deliberate murder as part of a deliberate programme, but not murder done under a certain provocation, nor murder done as an act of private revenge. In such a case there could be no extenuating circumstances, but more or less an attempt to murder was just as serious as the fact of bringing out the attempt successfully. The penalty therefore should be the same for both. There was no reason why a criminal who had made an attempt but failed in the attempt should be treated more leniently than one who actually succeeded in committing murder. Explaining the third clause, the Home Member said that the fact that it was necessary had been amply proved in recent years. He continued: I may mention only two instances. During the course of the Chittagong Armoury Raid Case, there was constant plotting both in jail and outside it to destroy the judges who sat on that Tribunal. The other instance occurred about a year ago, when a judge was shot in open court as an act of revenge for what he had done in carrying out his duties as the President of one of those Special Tribunals."

The motion for consideration of the Bill was opposed by Mr. *Shantishikhareswar Roy*, who wanted circulation of the measure for the purpose of eliciting public opinion. The amendment was however lost by 69 to 22 votes. The Council then proceeded to discuss the Bill clause by clause.

*Sr. Munindra Deb Rai Mahasai's* amendment suggesting the deletion of the proviso which made attempt at murder punishable with a death sentence was negatived by the House without a division.

Mr. *Narendra Kumar Basu's* motion proposing that an attempt at murder would be punishable with a death sentence or transportation for life only when the person upon whose life the attempt had been made was actually hurt, was rejected by the Council by 59 against 36 votes.

The only amendments that were accepted by the House were the two moved by the Home Member suggesting verbal alterations in the Bill.

By 55 votes to 18, the Bill was passed after nearly five hours' deliberation.

#### Bengal Suppression of Terrorist Outrages Bill (contd.)

2nd. SEPTEMBER :—An animated debate followed in the Council to-day in connexion with the discussion of the Bengal Suppression of Terrorist Outrages Bill, as reported by the Select Committee, which was taken into consideration on the motion of the Hon. Mr. R. N. Reid, Home Member.

Mr. *N. K. Basu* moved that the Bill be recommitted to the Select Committee. This was opposed by Mr. *H. Birkmyre* who, while admitting that the opponents of the measure had joined with the European Group in the past in condemning the terrorist, said that they did not come forward, to their eternal shame, to help them in passing the Bill. Mr. Birkmyre added that "they fight the Bill, not with a single argument which will hold water, but in a manner which will go to show where their true sympathy lies."

Mr. *Shyamaprasad Mukherji*, speaking next, took exception to the remark and said that such an observation displayed a mentality which deserved to be seriously condemned by every right-thinking man. Arguing that such repressive measures have always failed, Mr. Mukherji said: "It may be even that this measure will fail to satisfy the Hon'ble Member, and after a few months we shall be asked to put on the Statute Book other measures more drastic than the present one."

Mr. *N. K. Basu*, speaking on another motion, reverted to the subject and said that he would not return abuse for abuse but would say this that this Legislative Council was not a Council of Ministerial officers of the executive and they were not willing to sign a blank cheque in favour of the executive which had shown itself to be absolutely incompetent to deal with the present situation. The motion for recommitment was lost without a division.

Following this, there was an attempt to limit the duration of the Bill. By an amendment *Maulvi Tamizuddin Khan* wanted that the "Act shall continue in



force till six months after the date of the inauguration of the new constitution in Bengal." His ground was that he did not want to fetter the hands of the future Government. This amendment to shorten the life of the Bill was also lost without a division.

Mr. Ananda Mohan Poddar's amendment to the effect that the Act shall remain in force until the date of the introduction of the new Reforms, was also lost without division.

**24th. SEPTEMBER :—**The Council disposed of 85 amendments, to-day leaving 95 to be considered. In all, there were four divisions and in every case the Government won by a large majority.

Moving an amendment for the deletion of the clause which gave powers to the Government to take possession of immovable property for quartering troops or police or prisoners, Mr. *Abdus Samad* said that there was a likelihood of these powers being used against persons holding advanced political views and having no connection with terrorism.

Mr. *P. Banerjee*, supporting the amendment, referred to the case of Mr. Kisoripati Roy, Chairman of the District Board of Midnapore, whose house had been taken possession of purely out of retaliation to teach that gentleman a lesson, because he was a Congressman.

Mr. *N. K. Basu* challenged the Home Member to state whether in any other country in the world or even in India, excepting in the "lawless Ordinances" such a provision could be found.

Mr. *S. C. Roy Chaudhuri* maintained that if the clause were adopted, it would tend to suppress honest political opinion, which had nothing to do with terrorism.

Provision like these, remarked Mr. *Shanti Shekharanar Roy*, would serve to swell the ranks of the terrorists.

Opposing the amendment of Mr. *Abdus Samad*, Mr. *H. N. Reid*, Home Member, assured the House that those wide powers would not be invariably used and that officers would be given strict orders how they should use these powers.

The amendment was lost by 55 votes to 29.

The Home Member, however, accepted the amendment of the Raja of Nashipur, providing that a land or a building shall not be so utilised as to wound the religious feelings of the owner or the persons in possession, and shall not, as far as practicable, be so used as to interfere with the access to any place of worship situated in or contiguous to the land or the building. While admitting that many of the provisions in the Bill gave wide powers to the Government, Mr. Reid said that the only justification was that they were intended to make an endeavour to meet the very serious menace of terrorism. He admitted that wide powers were given, but he did not admit that they would invariably be used.

There was some discussion as regards the clause stating that an officer arresting persons behaving suspiciously "may in so doing use any means that may be necessary to effect the arrest." Mr. *P. Banerjee* moved for the deletion of the clause. Mr. *N. C. Sen Gupta* asked whether if a suspect took refuge in a house, the police would be justified in setting fire to the building in order to bring him down or in maltreating the members of his family.

The Home Member said that the clause was intended to protect officers making arrest. They might have to use force, possibly extreme force, in dealing with desperate characters. The amendment was lost.

As regards the clause empowering the District Magistrate to require the assistance of persons in the restoration and maintenance of law and order and in the protection of property in the possession of the Government or any railway administration or local authority, the Home Member accepted Mr. *S. N. Bose's* amendment providing "the District Magistrate shall satisfy himself that such an order is not of a harassing or humiliating nature, or is incompatible with the man's position in life and his ability."

Mr. *Shyama Prasad Mukherjee* then moved an amendment providing: "No female be required to render any such assistance."

The Home Member opposed the amendment, stating that it was inconceivable that a female would be called upon to render assistance.

Mr. *N. K. Basu* said that the good intentions of the Government were sometimes frustrated by the bad motives of the junior officers.

At this stage, Mr. *A. K. Fazlul Haq* intervened and appealed to the Home Member to reconsider his attitude in view of his statement that it was not

Government's intention to commandeer the services of women. There was a good deal of prejudice, he continued, in so far as their women were concerned, and if the amendment was defeated, it might create the impression that discretion was given to the officers to commandeer the services of women when necessary.

The Home Member agreeing, the amendment was carried.

#### IMPOSITION OF COLLECTIVE FINES

**6th. SEPTEMBER :—**When the discussion on the clauses of the Bill was resumed to-day, Mr. P. Banerjee moved for the deletion of the clause in the Bill empowering the Government to impose collective fines on the inhabitants of turbulent areas.

Supporting Mr. Banerjee, Mr. S. C. Roy Chaudhri contended that the impression in the minds of the Government, that a particular community sympathised with the terrorists, had done mischief in the past. He asked the Government to remember that they could not brand a whole community in this manner. Legalised terrorism, he said, was far worse than illegal terrorism. The legislation, in his opinion, would drive into desperation a whole community.

The Home Member, opposing the amendment, said that the clause was put in because it was believed, it would be of value in the attempt to meet a terrorist conspiracy. The Home Member referred to the incident of 13th June at Phalghat in Chittagong, where an absconder was captured and killed and two got away. It was made perfectly clear upon evidence that there were at least four or five leading absconders, sheltered there for two years. Consequently, a collective fine was inflicted on that village. The amendment was lost by 65 to 24 votes.

The Home Member opposed on practical grounds an amendment moved by Mr. A. M. Poddar, that the words "or class or section of such inhabitants" be omitted from the clause providing that the Government may exempt "any person or class or section of such inhabitants from liability to pay any portion of such a fine."

Mr. Shyama Prasad Mukherjee said that it was not a correct thing to penalise a whole community as the Hindu community had been penalised at Malabar.

The amendment was lost by 71 votes to 28.

The Home Member, however, accepted an amendment moved by Mr. Monindra Deb Rai Mahasani that exemption shall not be based upon communal or racial considerations.

Mr. Monindra Deb Rai Mahasani, opposing Mr. Reid's motion for the third reading, said that they were prepared to pass the Bill on condition that after twelve months, if the Government failed to suppress the terrorist movement, it would voluntarily abdicate.

Mr. N. K. Basu said that they were absolutely opposed to the principles of the Bill, as its provisions would defeat the purpose for which it was sought to be enacted. They had nothing but praise for the Home Member for the sympathetic way in which he had conducted the discussion, but that did not take away the effect of the Bill. "We cannot, by any manner or means, give our support in placing the Bill on the statute book, as we are deliberately of the opinion that, far from suppressing terrorism, the provisions of the Bill, if not judiciously administered, will result in the extension of terrorism."

Mr. P. Banerjee said that the Bill was martial law in disguise. From their experience in the past, he thought that there would be ruthless repression, with the result that where civil resisters had failed, the Government would succeed by bringing into operation the wide powers conferred in this Bill.

The Bill, as settled in the Council, was passed by 58 votes to 12.

#### MOTOR VEHICLES TAX ACT AMEND. BILL.

**7th. SEPTEMBER :—**The Council passed to-day the Bengal Motor Vehicles Tax Act (Amendment) Bill at the instance of the Minister, the Hon'ble Mr. B. P. Singh Roy. The object of the Bill was to remove some of the difficulties experienced in the actual working of the Act. It offered certain facilities to the owners introduced an improvement in the matter of realisation of taxes and proposed less drastic measures for recovering taxes.

#### THE BENGAL MONEY-LENDER'S BILL.

The House then agreed to circulate the Bengal Money-Lender's Bill introduced by Khan Bahadur Azzizul Huq for eliciting public opinion. The object of the Bill was to place a definite check on harsh and unconscionable loans carrying interest at exorbitant rates. It aimed at making registration compulsory for all money-

leaders who were not permanent residents nor had permanent domiciles. It abolished compound interest and made a clear provision which the courts should follow in determining "excessive interest" and "harsh and unconscionable transactions." The Bill was modelled on the recommendations of the Banking Enquiry Committee.

The mover wanted the Bill to be referred to a Select Committee, while Mr. *Satyendra Nath Roy* moved that the Bill be circulated for eliciting public opinion.

Supporting the circulation motion, Mr. *R. N. Reid*, Home Member, said that the Government were in sympathy with the underlying principle of the Bill, but considered that it required circulation rather than reference to a Select Committee.

The motion for circulation was carried, without a division.

#### The Bengal Municipal Bill Passed

After eighteen amendments had been adopted, the House passed Minister B. P. Singh Roy's Municipal Amendment Bill after it had been discussed for three weeks.

The Bill amends the existing fifty-year-old Act. The Minister said that the Bill to-day was practically the same as it emerged out of the select committee except as regards the important change in connection with the introduction of the principle of reservation of seats for minority communities on the basis of joint electorates. He said that the Bill gave the internal administration of municipalities to the ratepayers, keeping the power of external supervision in the hands of the Minister responsible to the house and the power properly exercised would help the self-governing units rather than retard their progress. He claimed that with this democratic constitution the Bill, if worked and administered in the right spirit, would bring in a new era in the administration of municipalities.

All parties joined in the chorus of congratulations to the Minister. Only Mr. *Satyendranath Roy* opposing the Bill described it as a backward piece of legislation, unsuited to the requirements of the time. The Minister, he said, could cite nothing from the Bill showing that real transference of power had taken place from the Government to the representatives of the people. He remarked that the Bill had been prepared at the dictation of the Government which was diarchical in form and should have been introduced and passed by a really autonomous council.

Mr. *Abdul Kameer* said that but for the tact and personality of the Minister the Bill would have foundered on the rock of communal distrust. Mr. *N. K. Basu* said that the passing of the section relating to the electorate question showed that if Hindus and Mahomedans were allowed to meet face to face without the intervention of a third party there would be no difficulty in composing their differences.

The Council was then *prorogued*.

#### The Winter Session—21st. November 1932

The Winter Session of the Council commenced at Calcutta on the 21st. November 1932 and discussed *non-official resolutions*. Of the three resolutions considered, one was moved by the *Maharaja of Dinajpur* recommending to the Government that zamindars and tenureholders should be relieved from the duty of realising road and public work cesses. The proceeds of these cesses were made over to the district boards but they were paid by zamindars after collecting them from tenants. The Maharaja opined that the system proved to be a source of discord between tenants and zamindars and if the system remained unchanged the country could not get back to its former prosperous days. *Sir P. C. Mitter*, Leader of the House, said that the Government would examine the question if the member withdrew the motion, whereupon the resolution was withdrawn.

The *second resolution*, which urged investigation into the possibilities of development of fish industry was also withdrawn.

The *third resolution* that evoked discussion related to the old controversy regarding the rights of landlords *vis-a-vis* tenants. The motion was moved by *Maulvi Tamizuddin Khan* recommending that early steps should be taken to further the Bengal Tenancy Act by repealing the provisions regarding landlords' transfer fee, pre-emption and enhancement of rents. The matter was being considered when the House adjourned.

#### CALCUTTA MUNICIPAL ACT (1923) AMEND. BILL

**22nd. NOVEMBER** :—In the Council to-day leave was asked by *Maulvi Abdul Kameer* to introduce a Bill to amend the Calcutta Municipal Act of 1923. The Act of 1923 gave Mahomedans right of electing their representatives on the Corporation

by separate electorate for 9 years on the expiry of which it was provided in the Act that separate electorate would automatically cease. The result of this provision was that the next general election of the municipality in March next would take place under joint electorate system. Maulvi Abdul Kasem in his bill proposed to make the system of separate electorate permanently operative.

As soon as Maulvi Abdul Kasem asked leave of the House to introduce the bill there was opposition. The Minister, intervening the debate, announced that the Government was prepared to allow four additional seats to Mahomedans on the Corporation on the population basis, bringing their total number of seats to 19, but as provided in the Act, election would take place on the system of joint electorate. This did not satisfy Maulvi Abdul Kasem who wanted the continuation of separate electorate system.

The Minister added that the Government was prepared to bring the Bill before this session of the Council in accordance with the statement made by him and get it passed so that the next election might be fought on joint electorate with reservation of seats, giving four additional seats to Mahomedans.

Explaining the object of the Bill *Maulvi Abdul Kasem* prefaced saying that he had great hesitation in taking the step in view of the fact that this legislation was the act of his revered leader, the late Sir Surendranath, but if he had ventured to do so it was because he was sure that his late leader would have approved of his action, if he were alive, because all his expectations with regard to the Corporation were falsified. Continuing, *Maulvi Abdul Kasem* said that Mahomedans had been accused of communalism in season and out of season because they asked for separate electorate. They realised, as anybody else, that separate electorate was against the principle of democracy, but if their fellow countrymen would not tamper with electorate there would be no necessity for it. What they were afraid of under joint electorate, he said, was that men would be chosen from amongst his co-religionists who would not truly represent Mahomedan interests in the Corporation. It had been asked what had the 15 men, returning on the Corporation on separate electorate, done during the last few years. In answering this question it should be remembered that in a House of 90, 15 men were in a negligible minority, but it must be said to their credit that if they had not been able to do any tangible good for the community, they at any rate prevented some mischief being done to their community. He wanted to impress upon the house that if Mahomedans of Calcutta were not in a position to accept joint electorate, why should the Government or any other community thrust this upon them. The proper way in his opinion to do away with separate electorate once for all was for enlightened and influential people to create trust and confidence in the minds of a weaker community. And as soon as that trust was created there would be no necessity for separate electorate but as long as that confidence was not created there must be separate electorate for the representation of Mahomedans.

Earlier, the House passed a Bill to amend the Calcutta Municipal Act creating Kalighat a separate ward. The House also agreed to refer the *Bengal Money Lender's Bill* and the *Mela Sanitation Bill* to select committees and circulate the *Tenants' Protection from Usury Bill*.

### The Bengal Public Security Bill

**23rd. NOVEMBER** :—After a full-dress debate, for over three hours, the Council, on the motion of Mr. W. D. R. Prentice, Home Member, referred the Bengal Public Security Bill to a Select Committee of eleven members with instructions to submit the report within one week. The amendment of Mr. Shanti Shekharwar Roy, to circulate the Bill for the purpose of eliciting public opinion by 28th February, was defeated by 66 votes against 17.

The object of the Bill was to deal with the Civil Disobedience Movement. The Special Powers Ordinance was due to expire on the 29th December and the Local Government wanted special powers to enable, in case of emergency, to combat activities which were subversive of law and order or prejudicial to public security, and for the suppression of which the ordinary powers of the Government were inadequate. The Bill, when enacted, was intended by the Government to remain in force up to 31st. December 1933.

In the course of the discussion, allegations were made regarding the posting of punitive police at Midnapore by a non-official member, who also referred to the conduct of certain officers in the District. The Chief Secretary and a non-official member repudiated the allegations.

After leave was granted for the introduction of the Bill, the *Home Member* moved

that the same be referred to a select committee. He said that there were some sections of the Special Powers Ordinance which the Government considered still necessary in Bengal to combat Civil Disobedience, and those powers had been incorporated in the Bill. Every effort had been made to make the Bill as general in its application as possible. The Home Member made it clear that the Bill was not intended to deal with terrorism, regarding which the House had passed a legislation in the last session. As to the practical necessity of the Bill, the Home Member said that the Congress had issued a challenge to the Government by starting Civil Disobedience and up to the present that remained the policy of the Congress. They knew that the Congress leaders in Bengal were still plotting and planning further action in pursuance of the movement. And so long as the Congress continued to defy law and order, the Government must be in possession of the powers required to meet the challenge. If and when the challenge was withdrawn, this emergency Bill also would cease to function. There was a meeting in Calcutta presided over by a member of the House at which another member of the Council took part, and there leaflets were distributed asking the people to get ready for a mass revolution. The Home Member contended that this measure was necessary in the larger interests of the people, as the Bill sought to protect them in the exercise of the lawful avocations. The Home Member did not think that there was any justification for the allegation that special powers had been used in a manner prejudicial to the civic rights of the people. They were asked, continued Mr. Prentice, to follow a policy of conciliation. The first step towards conciliation was for the Congress to withdraw its challenge of civil disobedience. The Round Table Conference was now in session and the Government were doing everything possible to bring in the new constitution as quickly as possible. It was, therefore, all the more important that they should be able to hand over to their successors a machinery which would work smoothly. The Home Member opposed the motion for circulation as nothing would be gained by it.

Following the motion for circulation by Mr. Roy, a lengthy debate took place in which fourteen members participated. The debate was cut short by a closure motion to which the House agreed. The main arguments of the non-official members against the Bill were, that it was unnecessary, and that on the other hand, it would strengthen the hands of the terrorists by spreading further discontent in the land. It would alienate the sympathy of those who wanted to help Government, as the Terrorist and the Civil Disobedience Movements were sought to be regarded in one and the same way.

Mr. J. N. Basu, leader of the People's Party and a former Round Table, said that if the broad statesmanship which animated the clemency of Lord Canning in dealing with the Mutiny was manifest to-day, the situation would have been otherwise.

Supporting the Home Member, Mr. W. H. Thompson, Leader of the European Party, said that for several centuries, democracy, in the West, fought its battle against its old enemy autocracy. It was said that the Great War would finally make the world a fit place for democracy. But since then, two new menaces to democracy and freedom had appeared in the West, the Gangster movement in America, and the new weapon of direct action, that had been forged in Central Europe. Both were subversive of good government, but unfortunately these two menaces had come to Bengal together. No democracy in Bengal would have a chance until these two menaces were scotched.

Mr. J. N. Gupta (retired I. C. S.) pointed out that the Civil Disobedience movement had never assumed the same proportion in Bengal as in the other provinces like U. P. and Bombay. In considering the Bill, they should remember that it was not a serious evil like terrorism. Even though at the beginning, it was an evil of some magnitude, it was almost dead now. In his opinion, it would be a good thing if those, who were sent to jail simply because they belonged to a party which at one time advocated Civil Disobedience, were released. As had been stated, these measures were simply strengthening the hands of the terrorists, because Terrorism and Civil Disobedience were mixed up. He thought that by such enactments they were alienating the sympathy of men who wanted to help the Government. He considered it to be a mistake on the part of the Government to take action against a man of the position of Mr. J. M. Sen Gupta, against whom no suspicion existed about his participation in any terrorist movement and who was held in high esteem by all classes of people, simply on the ground that he was a potential civil

resister. The speaker was prepared to give his unqualified support to a measure dealing with terrorism, but he reserved to himself the right to support or not to support Government as far as Bills dealing with Civil Disobedience were concerned. In his own opinion, these measures were not having the desired result. Mr. Prentice had said that he was legislating for the Government of future, but if the future Government was to be entrusted to non-official members of the House, Mr. Gupta might tell the Home Member that the legacy which he proposed to bequeath would not be much appreciated.

*Nawab Mushruff Hussain*, Ex-Minister, remarked that it was for the Government to be generous and extend the hand of friendship, so that peace could be restored in the country.

On the question of an agreement between the parties and getting rid of this turmoil, Mr. R. N. Reel, Chief Secretary, said that at present he did not think it could be fairly said that on the other side, any great gesture had been made indicating that they were prepared to come and shake hands.

Mr. Reid stated that as far as he knew Mr. Gandhi had not openly declared or indicated that he would give up the creed of Civil Disobedience. If Mr. Gandhi, the protagonist, was not going to give it up, it was hardly to be expected that the smaller fringes would give it up. But he need hardly say that if there was the slightest gesture for rapprochement from the other side, the Government would not be slow to come forward and accept it.

Mr. *Ananda Mohan Poddar* said that the Government were losing the sympathy of the public. When men like Mr. J. M. Sen Gupta and Mr. Subas Chandra Bose were imprisoned without trial for an indefinite time, no right-thinking man would come forward with genuine and spontaneous help to the Government.

Mr. *Narash Chandra Sen Gupta* opposed the motion for circulation for the simple reason that no useful purpose would be served by circulating the Bill for eliciting public opinion. Public opinion was well-known. Mr. Prentice knew it, but Mr. Prentice did not care for public opinion as long as he was sure of a majority in this House. The speaker thought that it was not a Bill which sought public support. On the contrary it was a challenge to the public. He would name it a Bill for the extension of terrorism. He thought that every ordinance gave a new lease of life to the Civil Disobedience movement. The speaker did not know whether Mr. Prentice knew it or not, but people engaged in the Civil Disobedience movement welcomed the Ordinances. They gloated over them. There were many among them who would feel never so happy as when they were in jail. Then what about the boycott movement? There was not a single respectable Hindu in Bengal who even thought of buying British goods. "With an atmosphere like this do you think", the speaker asked the Government, "that you are making for peace?"

#### CALCUTTA MUNICIPAL ACT AMENDING BILL.

**24th. NOVEMBER** :—Mr. *Abdul Fazeem* withdrew to-day his Bill to amend the Calcutta Municipal Act, 1923. The object of the Bill was to perpetuate the system of separate electorates for Muslims in the Corporation.

The Council next, by 34 to 32 votes, refused to give leave to Mr. A. *Rahim* to introduce a Bill to further amend the Calcutta Municipal Act. The object of the Bill was to provide a separate electorate to Muslims for one term only, i.e., at the forthcoming election to the Corporation in 1933. The Bill stated that considering the present political situation and the forthcoming Reforms which were bound to bring various changes in the Constitution, it seemed rather inexpedient to make any change in the system of election to the Calcutta Corporation at this juncture. The Government and the European members did not participate in the voting.

The rejection of Mr. *Rahim's* Bill in the introductory stage and the attitude of the Government and European members towards it evoked considerable resentment amongst the Muslim members.

#### NON-OFFICIAL BILLS

The House decided, on the motion of Khan Bahadur Azizul Haq, to circulate the *Nadia Waterways Bill* and gave leave to Rai Bahadur Kaminikumar Das to introduce the *Puri Lodging House (Amendment) Bill*.

#### MOTION FOR SECOND CHAMBER

**25th. NOVEMBER** :—The Council by 46 votes to 44 defeated a special motion of Mr. S. M. Bose requesting the Government of Bengal to communicate to the Govern-

ment of India and His Majesty's Government in England the opinion of the Council that in the new constitution shortly going to be established in Bengal, the Provincial Legislature should consist of two chambers instead of one, the upper chamber to be a real House of Elders. The motion was supported by a majority of Hindu members and the non-official European group, while the entire Mahomedan bloc and a number of Hindu members opposed it leading to the rejection of the motion.

On behalf of the Government, Mr. R. N. Reid announced that while the Government welcomed the opportunity now afforded by the resolution of being acquainted with the opinion of the House on this extremely important question, they had decided that except for the Indian members of the Government and Ministers who were free to vote the official members would not take part in the division.

#### HEALTH OF MESSRS. SEN GUPTA AND BOSE

The adjournment motion of Mr. *Syamaprasad Mukherji* to discuss the situation arising out of the alarming state of health of Messrs. J. M. Sen Gupta and Subhas Chandra Bose, now detained as State prisoners under Regulation III of 1818, the intensity of public feeling in the matter being evident from the recent Albert Hall meeting, was carried in the Council to-day without a division. Mr. Mukherji explained that his motion should not be regarded as a vote of censure on the Government, but he would base his case on humane considerations. He stressed that the serious and alarming illness of these two distinguished sons of Bengal was a national concern and it could not be the intention of anyone that they should lose their lives.

Mr. Mukherji was supported by the entire sections of Hindus and Moslems in the House. Mr. Fazl-ul-Haq pointed out that such a unanimity of decision among the non-officials was very seldom which indicated that a very good case had been made out for the consideration of the local Government as well as the Government of India. They wanted that either the two State prisoners be released or if that was not possible they should be allowed all facilities in the choice of the place of their custody and the doctors by whom they wanted to be treated.

Mr. R. N. Reid, the Chief Secretary, assured the House that the Government was not indifferent to the condition of these prisoners and that every special care was being taken and the best medical advice was given throughout the course of their illness.

The motion was carried without a division.

#### Bengal Local Self-Government Amend. Bill

**22nd. NOVEMBER :—**The House took up the consideration of the Bengal Local Self-Government (Amendment) Bill as reported by the select committee, and out of nearly 200 amendments the House disposed of 65. The bill was meant for removing some administrative difficulties that had been experienced lately and the removal whereof was considered essential for the smooth working of district boards.

Moving that the Bill be taken into consideration, the Minister explained that in this bill no attempt had been made to alter the constitution of the district and local boards. The select committee, he added, had generally accepted the principles underlying the bill. Referring to the important changes introduced by the select committee, the Minister said as in the Municipal Bill so here local Government had been substituted for the commissioner, wherever practicable. By this the principle of bringing the district and local boards directly in contact with the Ministry of Local Self-Government was sought to be realised. Thus the appointment of the members of district boards, which was now done by the commissioner, had been transferred to the local Government. Similarly, in the case of removal of members on the ground of misconduct, this was to be done by the local Government directly, instead on the recommendation of the divisional commissioner. One of the important modifications proposed by the committee was the deletion of the clause providing for deposit by candidates for election to the local boards. By another change a tribunal had been proposed to decide election disputes, as in the case of the Municipal Act, instead of the district magistrate, as in the bill. The most important change, however, said the Minister, recommended by the select committee, was the deletion of the clause where it was proposed to invest the district board with discretionary power to tax bullock carts. Concluding, the Minister said the Government had accepted practically all the changes accepting the clause recommending deletion of the election deposit which they considered essential to discourage candidates who stood only in the interest of others. Government, he said, had registered this clause.

Later, on the motion of the Minister, the House accepted the clause providing for a deposit of Rs. 50 cash by a candidate for election to a local board empowering the local Government to reduce the deposit amount to Rs. 25 in cases they thought fit.

The House without division rejected an amendment by Dr. Amulya Ratan Ghosh which wanted to abolish the provision for the oath of allegiance by members of the district and local boards.

**29th. NOVEMBER :**—Considerable progress was made to-day when further discussion of the Bill was resumed. The House disposed of another 80 amendments. At the instance of the Minister B. P. Singh Roy, the House accepted the clause giving discretion to the district board to make a voluntary contribution for the spread of primary education after the Primary Education Act had come into operation. After the disposal of further amendment on the next day, the 30th November, the Council passed the Bill.

#### OFFICIAL BILLS

**1st. DECEMBER :**—The Council held a short sitting to-day and disposed of four short official Bills, namely, the *Village Self-Government Amendment Bill*, the *Presidency Small Causes Courts (Bengal Amendment) Bill*, the *Bengal Suppression of Terrorist Outrages Bill*, and the *Bengal Land Revenue Sales Revealing Bill*. All the four Bills were passed without a division.

Mr. W. D. R. Prentice, the Home Member, was in charge of the first three Bills, while Sir P. C. Mittur, Leader of the House, was in charge of the last.

#### POLICE EXCESSES IN CHITTAGONG

**5th. DECEMBER :**—On the motion of the Hon. Mr. W. D. R. Prentice, the Council voted to-day the sum of Rs. 3,00,000 for the current financial year 'to meet anticipated extra police expenditure in connexion with revolutionary movements.'

The motion of Mr. P. Banerji to reduce the demand by a token cut of Re. 1, by which he raised a discussion about the "recent excesses on the part of the police," was lost by 43 votes to 28. Incidents in connexion with the search of some 50 Mahomedan houses at Chittagong were referred to in the debate and in the division that followed, the majority of Moslem members voted with the Hindus.

The motion of Mr. Shanti Shekhar Sen Ray to reduce the demand by Rs. 100 'to protest against the decision of the Government to realise the collective fine of Rs. 50,000 from the Hindu residents in Chittagong' was lost without division.

#### Bengal Criminal Law (Arms and Explosives) Bill

The House next passed the Bengal Criminal Law (Arms and Explosive) Bill, as introduced by the Hon. Mr. Prentice. The object of the Bill was to provide the enhanced punishment for certain offences under the Indian Arms Act, 1878, and the Explosive Substances Act, 1908, and also trial by Special Courts of certain offences under the former Act when committed by arms smugglers. Clause 3 of the Bill provided that a sentence of transportation for life, or any shorter term, or of imprisonment for a term which may extend to fourteen years, or of fine, may be imposed for offences under clauses (a), (c) and (d) of section 19F of the Indian Arms Act (unlawful importation or exportation of arms; going armed unlawfully; and having unlawful possession of, or control over, any arms, ammunition or military stores), if the offences are committed in respect of certain weapons which are commonly used in the commission of terrorist outrages.

#### CALCUTTA MUNICIPAL (SECOND AMENDMENT) BILL

On the motion of the Hon. Mr. P. P. Singh Ray, the House referred to a Select Committee the Calcutta Municipal (Second Amendment) Bill with instructions to submit their report within three days. The object of the Bill was to give four additional seats to Mussalmans in the Calcutta Corporation in proportion to their total population in the city.

#### MILITARY FORCES IN BENGAL

**7th. DECEMBER :**—On the motion of Mr. J. L. Woodhead, Finance Member, the Council to-day granted Rs. 2,32,500, including a token sum of one rupee, to cover the expenditure in excess of the voted grant on account of persons dealt with under the Bengal Criminal Law Amendment Act and detained outside the jails in



Bengal, and to meet the expenditure of the military forces stationed in Chittagong and other places in Bengal.

The House rejected a token cut moved by Mr. *Hassan Ali* by 52 votes 37. Mr. *Hassan Ali*, in moving his cut motion, criticized the Government policy as regards the stationing of military forces in various places in Bengal, and thereby incurring unnecessary expenditure at this time of economic crisis. The majority of the Mahomedan and Hindu members voted for the "cut" motion.

A point of order was raised by Mr. *Shanti Shekhar Roy*, whether the Council was competent to consider any demand in connection with "Military" which under the Devolution Rules was a central subject.

Replying to the point of order, the *Finance Member* admitted that the Army expenditure was a central subject, but in this matter, the Government were not making a demand for the pay and ordinary maintenance charge of troops. They were paying the additional expenditure incurred on troops for transfer to the Province at the request of the Local Government for local purposes in connection with the maintenance of law and order. The objection was ruled out by the President.

Moving two separate "cut" motions which, however, were lost without a division, Mr. *P. Banerjee* said that the posting of the Military meant that the police failed to maintain law and order. Then why not rule the country by the military? So far as the activities of the military were concerned, the speaker only referred to the incidents in Mymensingh. He alleged that as a result of their action, the singing of evening songs by girls in their respective homes had been stopped as, in some cases, these troops, he alleged, made the girls sing before them.

Supporting the cut motion, Mr. *Abul Kasem* said that the Government, owing to their own inefficiency, were going to impose a fine on the people of the province as whole, for a crime in Chittagong, which was unjustifiable. Concluding, he said that it was bad measures that drove peaceful citizens into the ranks of agitators and revolutionaries. He hoped and trusted that Government would not drive them to the ranks of agitators and terrorists by their action and conduct.

#### Bengal Public Security Bill (Contd.)

**12th. DECEMBER :—**On the motion of Mr. *W. D. R. Prentice*, Home Member, the Council, at its sitting to-day, took into consideration the *Bengal Public Security Bill* as reported by the Select Committee.

At the outset, the House rejected the motion of Mr. *P. Banerji* to recommit the Bill to a select committee without division. The *Home Member*, opposing the motion, said that there was no justification for recommitting the Bill, which would mean having a new select committee.

The Council then discussed the Bill clause by clause, and, disposed of six clauses.

An attempt was made to shorten the life of the Bill by various amendments. The Bill provided that the Act shall remain in force until the 31st December 1935. Discussion, however, centred round the amendment of Mr. *Maulvi Hassan Ali*, who suggested limiting the life of the Bill till 1934, but his motion was lost by 61 votes against 24.

Replying to the debate, the *Home Member* said that the Government would withdraw the provisions of the Bill, as soon as they were satisfied that the area in which the provisions had been extended was quiet and did not require such measure. He added : "If, as every one hopes, things get quiet all over, then the Bill, though it is on the statute-book, will not be enforced in any area. But when the new Government comes in, if there is Civil Disobedience aroused against the new Government, then the Bill will be there for them to use it, if they so desire, and it can only come into force by their decision. They will be perfectly free to decide whether the Bill should be brought into force or not."

The Council then passed the clauses giving power to any officer of the Government, so authorized, to arrest and detain suspected persons, to prohibit or limit access to certain places, and to prohibit or regulate traffic. In two other divisions that took place, the Government won in one instance by 57 votes to 21, and in the second by 50 to 17 votes.

**14th. DECEMBER :—**Resuming the discussion on the Bill to-day, the Council disposed of about a dozen clauses. A non-official motion for the deletion of the clause empowering the District Magistrate to control Posts and Telegraphs, was lost without a division.

A non-official amendment demanding the deletion of the explanation of "public

meeting", was lost by 59 votes to 22. The explanation in question stated: 'A public meeting is any meeting which is opened to the public or any class or portion of the public, and a meeting may be a public meeting, notwithstanding the fact that it is held in a private place and notwithstanding the admission thereto is restricted by ticket, or otherwise.'

Mr. R. N. Reid, Chief Secretary, said that a similar provision was in the Ordinance which had been in force since June last, and was also in the Ordinance introduced in January last. He did not think that there was any indication that any very flourishing alternative agency had been set up in the province to replace the Government Postal Service, or that the revenue of the Postal Service had been seriously diminished. Mr. Reid said that, according to Mr. P. Banerjee (mover), such an agency had been set up in Bombay, but the mover had not given figures showing how much revenue had been diminished. Even if it was so, Mr. Reid continued, the Government would have to face that, in the event of the emergency which the Bill was designed to deal. Concluding, Mr. Reid said that it was not to the public advantage, that the Government Telegraph and Post Offices should be made use of by persons who did all they could to bring about public disadvantage.

The Government accepted the amendment of *Khan Bahadur Azizul Haq*, which provided that the penalty for disobeying an order directing one to remain in a specified area or remove himself from a specified area or to conduct himself in a particular manner, may extend to imprisonment for one year instead of two years as provided in the Bill.

The Government accepted another non-official amendment, providing that a District Magistrate may, by an order in writing, authorise a gazetted officer to exercise any of the powers of a District Magistrate under the Bill excepting the powers delegated to him by the Local Government to control suspected persons.

Mr. N. K. Basu's motions for curtailing the powers of Special Magistrates to try cases under the Bill were all opposed by the Government, and defeated by a large majority.

**15th. DECEMBER** :—In connection with further discussion on the Bill an attempt was made by a section of the House to exclude the agricultural rent payable to a landlord from the operation of the special provisions directed against instigation and illegal refusal of payment of certain liabilities which referred to movements subversive of law and order. The bill provided that the local Government might declare land revenue or any tax, rate, cess or rent of agricultural land to be a 'notified liability' and it further provided punishment for unlawful instigation to non-payment of a notified liability.

Mr. Hassan Ali moved an amendment to omit agricultural rent from declaration of a notified liability. Mr. Mukunda Behari Mullick moved another amendment of a similar nature. Both were lost.

The House then proceeded to discuss the amendment moved by the *Home Member* regarding inserting a provision giving power to collect agricultural rent as a notified liability by a summary process provided such non-payment of rent was the result of a movement subversive of law and order. After discussion, the House eventually accepted the Home Member's amendments without division.

**16th. DECEMBER** :—On the motion of Mr. W. D. Prentice, Home Member, the Council to-day passed the Bengal Public Security Bill as amended by 52 votes to 24. Moving the passage of the bill, the Home Member said that much apprehension had been expressed during the consideration of the Bill but he was perfectly certain that the Government would not use the Bill unless they were compelled to do so.

Opposing the final reading of the Bill, Mr. Shyama Prasad Mukherjee said that he did not take part in the detailed discussion of the Bill as he wanted not to be a party to deprive the Home Member of having presented to the Council a bill which was perfect in imperfection. Mr. Mukherjee wanted to congratulate the House on having failed to rid the Bill of imperfections. Concluding, Mr. Mukherjee said that time would certainly come even in the history of this province when Hindus and Muslims would combine and work to the mutual benefit of their Motherland and when such time came he was sure Mr. Prentice and those who were now carrying on the administration would get the impression from the united voice of the two

communication that they did not serve the interests of the country as good and well as they could have done. Continuing Mr. Mukherjee said that there was drastic provision... of indiscriminate search which could be made by any officer, even a head constable. There was provision which gave power to the Government to detain persons, to deprive them of their legitimate work and power to the Government, not to grant any allowances to such persons who might be detained under the provision. There were powers of control given to the Government for the purpose of controlling posts and telegraphs. Large powers were also given to special magistrates who would not only have the jurisdiction of trying offences made punishable under this Act, but any other offence which might be regarded as part of the movement with a view to undermine public security. 'But there is an aspect of question which I would like Mr. Prentice to bear in mind. It is the repressive measures like this which also indirectly give a new lease of life to the terrorist movement. That is the considered opinion of many. You practically prevent people from giving expression to their legitimate views on the Government policy and action and the result is, to put it tersely, you drive the movement underground. That is one of the indirect results which Mr. Prentice is going to achieve although I am sure he does not intend to do so.' Mr. Mukherjee continued: 'The object of the Bill is to fight the civil disobedience movement and I suppose to fight the Indian National Congress. The Congress is acknowledged to be the oldest, bitterest and the most powerful enemy as far as the bureaucracy in India has ever known and it is not a matter of surprise that the bureaucracy can never let an opportunity go if it can find it possible to curtail or restrict its activity.'

Replying to the debate, the *Home Member* pointed out that powers wider than those which the Bill conferred on the Government had been in force in the province for the last eleven months and it was for the members of the House to consider what the state of the country was. Concluding, the *Home Member* said that if Hindus and Muslims were united as a result of enactment of this legislation the Council should welcome it (bill). The *Home Member* in reply added that Mr. Mukherjee had accused the Government of attacking the Indian National Congress. He was entirely wrong there. 'What we are attacking,' he said, 'are the illegal activities sponsored by the Congress. If the Indian National Congress return to the ordinary constitutional method for the introduction of the new system of Government, the activities of the Congress and its supporters will be entirely outside the orbit of this Bill.'

#### CALCUTTA MUNICIPAL AMENDMENT BILL.

On the motion of Minister *B. P. Singh Roy*, the House passed the Calcutta Municipal Amendment Bill giving six additional seats to Mahomedans on the population basis in the Calcutta Corporation, thereby raising the total strength of Mahomedans from 13 to 19 and of the house (excluding the Garden Reach area recently separated) from 90 to 92.

The Council was then *prorogued*.

# THE BOMBAY LEGISLATIVE COUNCIL.

OPENING DAY,—POONA. 19th. SEPTEMBER 1932.

## Bombay Cotton Contracts Bill

The second session of the Bombay Legislative Council opened at Poona on the 19th. September 1932. After the transaction of preliminary business, the Hon'ble Sir *Ghulam Hussain Hidayatulla*, General Member, introduced Bill No. 15 of 1932, a Bill to provide for the better regulation and control of transactions in cotton in Bombay. He said that the Bombay Cotton Contracts Act of 1922 would expire at the end of October and the present Bill was intended to take its place. Briefly stated, Sir *Ghulam Hussain* remarked that the Government wanted to take power to recognise or to withdraw recognition from any cotton Association. The Government would have emergency powers whereby when it became necessary, the Government could supersede the board of directors, of such a recognised Association and appoint a Board of Control with one of its members as Chairman. He went on to show the necessity for such a legislation in the interests of the country and trade itself. The closing of the cotton market and boycotts and hartals for political reasons, had resulted in the Bombay Cotton market being closed for 93 out of 159 working days. These hartals and boycotts were the work of a third party. The members of the East India Cotton Association Ltd., were afraid to interfere, and had been unable to make any suggestions to end this state of affairs. Cotton prices, he said, were controlled by world conditions. Continued interference in free trading had led to the growers suffering heavy losses. The General Member gave instances where hartals had led to the grower to sell at Rs. 14 per candy or Rs. 7 per bale less. The Bill also provided for adequate representation of growers on the directorate of any board recognised by the Government. The General Member assured the House that it would have an opportunity to amend the bye-laws to be made, and this action was in the best interests of the country, and not an interference in free trading.

The suggestion to limit the Bill for a period of two years made in the course of the discussion on the first reading was rejected by the Member-in-Charge. With one exception all the members who spoke supported the Bill, but they made various suggestions for consideration during the committee stage of the Bill. *Rao Bahadur Kulkarni* opposed the Bill, as the Congress had been suppressed and there was no need for legislation to stop hartals, boycotts etc.

**20th SEPTEMBER** :—Opposition to the measure was to-day based mainly on the powers given under Clause 9 and 10 of the Bill. Some speakers asked that the Bill should be sent to a select committee, so that its objectionable features could be toned down. *Dr. Dicit*, who was the first to take objection, remarked that unless this was done, he would be forced to oppose the measure.

*Mr. Vakkaria*, a merchant of Bombay, agreed entirely with all that had been said by the Finance Member, and to the necessity of the Bill. He said that there had been quite unnecessary interference by a third party which had no interest in the cotton trade. He showed how markets had been closed continuously for long periods. This closing of the market had resulted in crores of rupees being diverted to other countries.

The General Member, replying to the debate, said that Government had been forced to take action as the East India Cotton Association had declared that it was powerless to stop hartals, boycotts and interference with cotton trade. He contended that, far from imposing a bondage, the Government were removing a state of bondage to which the East India Cotton Association had been reduced by outside parties. The members of the Association had asked the Government to assist them and to bell the cat.

The first reading was agreed to by a large majority.

The second reading was opposed by *Rao Bahadur Kale*, who moved an amendment to refer the Bill to a select committee. The amendment was pressed to a division, but was thrown out by a large majority and the second reading was passed.

**21st. SEPTEMBER :—**Mr. C. N. Patel moved an amendment that, provided a Cotton Association conformed to the provisions of Section four, five, six and seven, the Governor-in-Council shall grant recognition.

The Member in charge of the Bill asked the House to reject the amendment, which he said struck at the main principles of the Bill, as the Government for the present were recognising only one Association at a time.

On being put to vote, the amendment was defeated by a large majority.

The next amendment moved by Mr. Freke, Finance Secretary, to give cotton growers 25 per cent representation on the board of directors of any recognised association, was discussed at length.

A non-official amendment sought to increase this representation from 25 to 33- $\frac{1}{2}$  per cent, but it was lost on a division by 57 votes to 23. The original motion giving one-fourth representation to the producers was agreed to. Several other amendments were withdrawn.

#### BOMBAY WEIGHTS AND MEASURES ACT

**22nd. SEPTEMBER :—**Sir Rustom Vakil, Minister for Local Self-Government introduced the Bombay Weights and Measures Act. In doing so, he said that standardization of weights and measures was bound to give the people a sense of security, and enable them to expand their trade. Uniformity would improve inter-provincial trade, which had been retarded owing to different kinds of weights and measures being used in different parts of India.

Mr. Gangoli, of Kaira District, who had tabled two amendments, which were against the principle of the Bill, first moved these on the advice of the Chair.

Replying, the Member-in-Charge stated that he was not prepared to guarantee that the Act would apply only to traders and would not affect anything produced by agriculturists. He, however, assured the member that it was only intended at first to apply the Act to big towns.

General support was given to the measure, several members suggesting action to prevent the public from being cheated. The first reading was passed, and the bill referred to a select committee.

#### BOMBAY FINANCE ACT PASSED

**23rd. SEPTEMBER :—**The Council passed through all the stages to-day a small Bill to amend the Bombay Finance Act, which was intended to remove certain doubts as to the interpretation and effect of Section 18 of the Bombay Finance Act, 1899.

#### BOMBAY HEREDITARY OFFICES ACT PASSED

The Bill further to amend the Bombay Hereditary Offices Act of 1874, which was the next to be taken up, empowered the Collector to delegate to the Mamlatdar and the Mahalakaris the power to determine heirs of the inferior village servants so as to avoid delay and inconvenience. An appeal from the decision of these village officers was provided for in the Bill.

The first reading was passed, without discussion, but when the second reading was moved, Rao Bahadur Kale moved an amendment to clause one, that the registration of a person could be set aside by a party producing a decree of a competent court entitling him to have his name registered, as the nearest heir of the deceased Watandar. The Member-in-Charge agreed to accept the amendment, though in doing so he warned the House that it was subjecting the judiciary to the executive, when everyone was clamouring for the separation of these two Departments.

Rao Bahadur Kale then withdrew his amendment in favour of one proposed by the Legal Remembrancer to the Government, and the Bill was passed.

The Bill to amend the Bombay Borstal Schools Act of 1929 occupied very little time, and it was passed without opposition.

#### BOMBAY POLICE ACT AMENDING BILL

Introducing the next piece of legislation, a Bill to further amend the City of Bombay Police Act of 1902, the Hon'ble Mr. W. F. Hudson, the Home Member, paid a glowing tribute to the work of the Bombay Police during the last communal rioting when they had been subjected to the great strain. He thought that sub-inspectors and sergeants should be empowered to disperse unlawful assemblies by using force. Non-officials strongly opposed the motion for the first reading, as they

said that those who had experience were not in favour of such powers being vested in subordinate police officers. They thought that honorary magistrates could be entrusted with such work in conjunction with the police.

The motion for the first reading, on being put to the House, was rejected.

#### BOMBAY LOCAL BOARDS ACT AMENDING BILL

**24th. SEPTEMBER :—**The motion for the first reading of the Bill to further amend the Bombay Local Boards Act of 1932 was taken up to-day. The Government, it was stated, were arming themselves with power in case of default in respect of the performance of their duties by District Local Boards. Power was also being taken to dissolve local boards during the terms of office of its members, and to establish new ones to function temporarily pending the election of new boards, when the limits of their districts or talukas were altered.

During the discussion, several suggestions were proposed by *Rao Bahadur Kale* and *Rao Bahadur Bhimbhai Naik*. Dealing with the criticism that members would be put out of office who had spent money on their elections, *Sir Rustom Vakil* explained that it was the intention of the Government to nominate 99 per cent of the members of the old boards on the newly constituted ones. It appeared to him very necessary to reconstitute boards of districts whose limits had been altered. The Legal Remembrancer to the Government then explained what action was intended to be taken.

#### BOMBAY AND FEDERAL FINANCE REPORT

**26th. SEPTEMBER :—**Mr. G. L. Winterbotham moved to-day : "The Council is of the emphatic opinion that the report of the Federal Finance Committee is not acceptable to Bombay, in as much as it is proposed that provincial contributions to the Federal Government be assessed in proportion to their share of the income-tax receipts. These would deprive Bombay of the bulk of their additional expanding revenues without which provincial autonomy is doomed to failure from the outset. So long as such contributions are necessary, they should be assessed half on a population basis and half on the basis of the total revenues of each province, which is more suited to the capacity of individual provinces to pay."

The mover observed that the test for the new constitution, so far as the provinces were concerned, would be, not whether there would be separate or joint electorates or safeguards, but whether there would be sufficient money to support a strong and stable Government. He concluded by asking the House to send His Excellency the Viceroy a strong recommendation, and to make it plain that Bombay meant to have justice.

The House received the motion very well, and accorded it strong support.

#### BOMBAY MUNICIPAL BOROUGHS ACT AMENDING BILL

**27th. SEPTEMBER :—**A small non-official Bill was introduced in the Council by *Imran Bahadur D. K. Patil* ( East Khandesh ) after question-time to-day. The Bill sought to amend the Bombay Municipal Boroughs Act of 1925 by giving option to municipalities, whose income is less than two lakhs of rupees, of appointing, if necessary, a non-graduate as its chief officer. Several members supported the motion for the first reading, but three or four members spoke against it on the ground that it was lowering the standard of qualification for the Chief Officer's post. A proviso, to the effect, that the appointment of such a non-graduate should be subject to the previous sanction of the Government, was accepted by the mover. *Rao Bahadur Kulkarni*, however, proposed a further amendment, that such non-graduates must have passed the examination of the Local Self Government Institute. This, on being put to the vote, was rejected by the House. The second and third readings were passed.

#### BILL TO REPRESENT DEPRESSED CLASSES IN MUNICIPAL SCHOOL BOARDS

*Rao Bahadur Kale* brought forward a Bill to reserve seats for Backward and Depressed Classes on school committees. *Sir Rustom Vakil*, Minister for Local Self-Government, intimated that the Government would not vote, but that members on the official benches could oppose or support the motion for first reading as they liked. Some members took exception to the Government declaring themselves neutral, *Mr. H. M. Rahimulla* considering that they should declare whether they were for or against it. He was against the motion, but considered that if representation was given, then his community should have a share.

The motion for first reading was passed by 48 votes to 12.

During the second reading, *Rao Bahadur Kale* proposed that the Bill be published to elicit opinion. *Rao Bahadur Kale* was supported by *Mr. L. R. Gokhale*, who said that other minor communities might wish to be heard. *Dr. Solanki* opposed the motion which was lost. *Rao Bahadur Kale* then proposed that the Bill be sent to a select committee, which was also thrown out. The House then adjourned.

**29th. SEPTEMBER :—**Resuming the debate on *Rao Bahadur Bole's* Bill, *Sir Rustom Vakil* read a telegram himself from the Mayor of Bombay deprecating the introduction through a Bill of the principle of communal representation and asking the Government to intervene and have the third reading postponed to enable the Bombay Corporation to make representation. While reiterating the Government's intention to remain neutral on the question, the Minister for Local Self-Government asked the hon. member in charge of the Bill if he would ask for postponement of the consideration of the Bill. The mover, however, refused to entertain any such proposal, but *Rao Bahadur Kale* moved that the consideration of the Bill be postponed to the first day of the next session on which private business was to be taken up. This motion was carried to a division but lost by 28 votes to 10.

When the Bill was taken clause by clause, *Sardar Modi* moved an amendment that the number of reserved seats on the school board be changed from 4 Mahomedans to 2, that the backward classes received 4 seats instead of 3, and the depressed classes 2 instead of 1, while *Mr. L. R. Gokhale* sought to have 1 Indian Christian added. *Mr. Navle*, deputy president, at this stage entered into a spirited protest against what he termed a move of the higher classes to defeat the object of the Bill. He was supported by *Sir Rafiuddin Ahmed*, late Minister of Education, who said it appeared to him that as far as it concerned Mahomedans, backward and depressed classes, it was a communal question, but for the advanced classes it became a question of principle, a world-wide question. The latter never asked for anything for themselves. The advanced classes, he said, had their university. The backward classes wanted primary education, their A. B. C. Both *Sardar Modi* and *Mr. Gokhale's* amendments were lost by large majorities.

The closing stage of the passage of the Bill was marked by some feeling on the part of the members of the Bombay Municipal Corporation when the third reading was about to be put to the House. Both *Dr. Colluro* and *Dr. Alban D'Souza*, municipal corporators, claimed a right to address the House while *Rao Bahadur Kulkarni* suggested at the last moment that out of consideration for the Mayor of the Bombay Corporation, who had wired asking for Government's intervention, the third reading be postponed till to-morrow. The President declined to consider the last suggestion.

The House had to listen to an impassioned appeal from *Dr. Alban D'Souza* to the mover of the Bill to delay the final stage till such time as the views of the Corporation could be obtained. He characterised the Bill as a piece of legislation that would go to rot and shatter the constitution of the Bombay Corporation. *Dr. Colluro* said the day was a black letter day in the annals of the history of the Corporation and that the apple of discord had been thrown into the Bombay Corporation. *Rao Bahadur Bole* was unmoved. He reminded the House that it was not the first time that the Bill, which did not meet with the approval of the Bombay Municipal Corporation, had been passed by the House as far as the two doctors were concerned. He said they usually administered pills and it was now their turn to swallow a bitter pill. (Laughter.) In conclusion he thanked those who had supported his Bill. The third reading was then put to the House and passed.

#### PROV. SMALL CAUSE COURTS ACT AMEND. BILL PASSED

In a few minutes left for business before the House adjourned, three readings of the Bill 39 of 1931, a Bill further to amend the *Provincial Small Causes Courts Act 1887*, in its application to Bombay presidency, was passed.

#### DECCAN AGRICULTURISTS RELIEF BILL

**29th. SEPTEMBER :—**The Council took up discussion of the bill further to amend the *Deccan Agriculturists Relief Act* (No. 17 of 1879), the first reading of which was introduced by *Mr. L. R. Gokhale*, (Poona city). It was intended to narrow down the definition of agriculturists to such persons who owned land in

their own right and personality engaged in agriculture, provided that their yearly income from sources other than agriculture did not exceed Rs. 500 and their net incomes from all services did not exceed Rs. 1,000.

Several members opposed the Bill. The Home Member said that the Government intended to oppose the Bill. The mover, on this, withdrew his Bill.

#### BOMBAY MUNICIPAL ACT AMENDING BILL PASSED

*Rao Bahadur S. K. Bole* then introduced Bill No. V. of 1933 which sought to have a provision inserted in the City of Bombay Municipal Act, 1888, to penalise members of the Bombay City Municipality who failed to pay up arrears due by them within three months after special notice had been served on them. The penalty proposed was the same as that existing in the Bombay Municipal Boroughs Act of 1925 and the Bombay District Municipal Act of 1901, viz., that such a person ceases to be a member.

The motion for the first reading was carried, and the House proceeded to discuss amendments. *Rao Bahadur Asavle* proposed an amendment giving six months' notice, which the said the Corporation and the Commissioner had accepted when the matter was discussed in the Committee. The amendment was put to vote and lost and the Bill was passed into law.

#### BOMBAY UNIVERSITY ACT AMENDING BILL.

The House next turned its attention to Bill No. VI of 1932, moved by *Rao Bahadur R. R. Kale*, which was designed to amend the internal constitution and working of the Bombay University. It did not affect the constitution of the Senate or the allocation of powers as between the Senate and other University authorities but dealt chiefly with the reconstitution of the Syndicate, and the Academic Council so as to remedy certain defects.

**30th. SEPTEMBER :—**While expressing agreement with the mover that a necessity existed for remedying certain defects in the constitution of the University bodies, the members to-day expressed themselves as averse to piecemeal legislation of the kind under consideration. Some thought that if the Hon'ble Minister would give an undertaking that a Bill of more comprehensive character would be introduced, they would prefer that to supporting the present Bill. The Hon'ble *Sir G. Hidayatulla*, Leader of the House, assured the members that the Government were prepared to make further inquiries as to the defects in the constitution of the Bombay University, and might appoint a committee to that end, and then bring forward a more comprehensive measure to remedy all the existing defects. He, therefore, joined the other side in asking the mover to withdraw the Bill. The motion for the first reading was declared lost.

#### MINOR BILLS.

*Mr. Surve's Bill to amend the Bombay Villages Police Act* was rejected.

*Rao Bahadur Kulkarni's Bill to further amend the Deccan Agriculturists Relief Act of 1879* was, on the suggestion of the mover, referred to a select committee with instructions to report within seven days.

Formal leave to introduce seven Bills was given by the House.

#### PLEA FOR MORE LEGISLATIVE SESSIONS.

**1st OCTOBER :—**The Council, to-day, carried the motion of *Mr. Gangoli* to the effect that H. E. the Governor be pleased to hold normally at least three sessions of the Legislative Council during every calendar year at regular intervals.

Another motion, that an adequate number of days be allotted to every session for the transaction of non-official business, was also carried.

#### LOCAL BOARDS ACT AMEND. BILL (CONTD.)

**3rd. OCTOBER :—**The Council resumed discussion to-day on the second reading of the Bill further to amend the Bombay Local Boards Act, 1923. Several amendments were moved but withdrawn and the third reading was passed.

#### RESTRICTED INTERVIEWS WITH GANDHI

The Council then discussed for two hours *Mr. A. N. Surve's* adjournment motion regarding the prohibition placed on interviews with Mahatma Gandhi in Yeravada jail. After the mover and several speakers had spoken for and against



the motion and towards the end, two or three attempts were made to have the closure applied without success.

The Mahomedan members were generally against the motion, including Sir Rafiuddin Ahmed. Mr. Kamat was in favour of granting interviews to those who sought Mr. Gandhi's advice on such important questions as attendance at the R. T. C., the depressed class question and other kindred subjects and thought that the present was a psychological movement for both the Government of India and the Bombay Government to allow interviews with the Mahatma. Khan Bahadur M. A. Khuhro (Larkana) was against the motion and did not see the utility of granting interviews. Mr. L. B. Gokhale (Poona city) thought that Mr. Gandhi's advice was necessary to complete the agreement arrived at between Hindus and the depressed classes and if the Government of Bombay thought that in the interests of peace interviews were necessary, they should allow them. Mr. P. R. Ghikodi (Belgaum) said if Sir T. B. Sapru and Mr. Jayskar could not persuade Mr. Gandhi, who else could? He did not see the necessity for interviews when war had been declared between the Government and the Congress.

#### EXTENSION OF BOMBAY IRRIGATION ACT

**4th. OCTOBER** :—Mr. W. F. Hudson moved to-day asking for leave of the Council to extend part XI of the Bombay Irrigation Act to lands irrigable by the Puleli canals system and Kalri and Karibash canal systems which were being improved and remodelled for more efficient distribution of water therefrom. Explaining the general object, the Home Member said that the improvements on these canals were nearing completion and to enable the Government to put the finishing touches the application of part XI of the Bombay Irrigation Act was required. The Government, he said, had lost lakhs in remissions and zamindars of these tracts had lost tens of lakhs owing to certain defects, such as the width of the canals and the excess number of outlets. These had led to unnecessary waste of water. An effort was being made to combine outlets, the total number of which it was intended to reduce, thus saving money and bringing about a more equitable distribution.

As anticipated in the mover's speech the motion was strongly opposed. *Syed Miran Mahomed Shah* (Hyderabad) thought the extension of the Act was premature. He advised the Government to withdraw the motion and wait for one year. In the meantime an agricultural officer should be deputed to make experiments with certain crops. *Sir C. Harrison*, superintending engineer, Lloyd Barrage, Karachi, in a general review dealt with the objections of the zamindars' representatives. He said that the Government would be involved in extra expenditure if the scheme was delayed. He reminded the House that Rao Bahadur Chitale had said that all schemes taken in hand at the cost of the tax-prayer should fructify at the earliest time possible. Certain experiments made on Khan Bahadur Khurro's lands had shown the utility of such works. The speaker averred that the results achieved so far on barrage lands justified any optimism they might feel.

After the Home Member's reply, the motion was put to the House and declared carried, the division demanded showed 42 in favour of the motion and 16 against.

#### SUPPLEMENTARY GRANTS VOTED

**5th. OCTOBER** :—The Council proceeded to-day to the consideration of the demands for supplementary grants. *Sir Ghulam Hussain Hidayatullah* moved for a token grant for the provision of a roadway in connection with the reconstruction of the Kotri Bridge, by the North-Western Railway. The grant was passed.

Another item discussed was the temporary appointment, on half his former salary, of Dr. Y. N. Kadam as Superintendent of the N. M. Mental Hospital, Thana, from which post he had been retrenched in March 1932, the Civil Surgeon taking up the duties in addition to his own.

Another demand concerned the extension of the duties of the Lay Secretary of the J. J. Group Hospitals, for which a provision of Rs. 300 for four months was asked for. On being put to the House, the demand was passed.

The remaining demands for supplementary grants were put and carried.

#### ADDITIONAL POLICE FOR SHOLAPUR

The Home Member then moved for a token grant for increasing the strength of the police force in the Sholapur City. He observed that since the riots in 1930, it had been

found that the police force available in the Sholapur City was inadequate. Since then, there were grave riots and strikes, which proved the necessity of permanently increasing the police force. It should also be remembered that Sholapur was not a military station, and no troops were available in the case of a sudden outbreak.

#### BOMBAY VILLAGE PANCHAYATS BILL

**6th. OCTOBER :—***Sir Ruston Patel* opened the proceedings to-day by moving the first reading of the Bill to amend and consolidate the law relating to village panchayats. The Minister for Local Self-Government said that, by passing the Bill, the House would be reviving and re-invigorating the panchayat, an institution of time-honoured antiquity and glorious tradition, which existed now only in name. He could visualise the innumerable villages of the Presidency living, at no distant date, happily like little commonwealths in the full realisation of civic and political consciousness and in tackling common problems in all spheres of life. The ideals of the Bill were to bring home to the villagers the idea of local self-government, and develop the spirit of self-help and the art of administration and also create an instrument that would deal with municipal affairs, rural uplift and medical relief. The Minister thought that there would be opposition to the measure, but differences over details could be settled in the select committee. He did not wish, he said, to dwell on the history of the village panchayat which had survived the shocks of many a century. In the time of the Peshawas, the Panchayat settled also civil suits. Referring to the salient features of the Bill and its financial aspect, the Minister said that the Bill passed last year amending the Village Sanitation Act and widening the scope of the sanitary boards and committees was sought to be round off by the present measure. It defined that each panchayat would consist of five persons elected by the village under a sarpanch, in whom the executive powers of the panchayat would be vested. In 1931, there were 256 panchayats in the presidency, 129 in the Central Division, 55 in the Northern Division, 72 in the Southern Division and none in Sind, with a total income of Rs. 3,34,900. Of this, two lakhs were derived from local taxation and Rs. 37,000 from contributions from the local boards. The members of the panchayat would be elected and they would have the control of fairs, bazaars, slaughter-houses and supervision of dharmsalas, in addition to the power to hold and sell movable and immovable property. They were vested with civil and criminal power, with a safeguarding clause that the Collector would have the power to cancel the jurisdiction of a panchayat and quash any proceedings or cancel any decree or order. Though it was not possible at present to make any grant, he could assure the House that as soon as their financial position improved, the Government would consider the claims of the panchayats. The Government had increased the sources of revenue open to the panchayats by allowing the levy of a tax on pilgrims, and there were contributions from the Local Boards to the extent of two-thirds of the house-tax, with a limit of Rs. 500, or two-thirds of the local cess leviable in the panchayat area.

In the discussion that followed, *Dr. Ambedkar* opposed the motion, and said that he considered that a system of Government which was discredited should not undertake the Bill, when the framing of the new constitution was on the anvil. The matter might well be left till then. Besides, the time given for the consideration of the Bill was too short, and there had been no demand for it from any political party. He objected to the panchayat being vested with civil and criminal powers.

**7th. OCTOBER :—**Resuming to-day the discussion on the first reading of the Bill, an effort was made to cut down the number of amendments about 300 having been tabled. About half a dozen were debarred from consideration, except at the first reading, on the ground that they involved questions of principle, and would require the sanction of the Governor-General.

The *Thakore of Kewada* suggested that the Bill should be made a simple one, so as to be easily understandable. *Sardar Modi* pointed out certain defects. In some cases, there was dual control, and in others there was only the Collector. There was no adult franchise. He thought that the District Local Boards' contributions were not enough to finance the panchayats. *Sir Shah Nawaz Khan Bhutto* and *Sir M. Rafiuddin Ahmed* urged that safeguards for Mahomedans should be incorporated in the Bill. *Mr. J. B. Petit* thought that the Bill was a beneficial and epoch-making measure. He characterised *Dr. Ambedkar's* speech as narrow and parochial. *Rao Sahab Kulkarni* drew the attention of the House to the fact that under Section 8, women were debarred from election as members of panchayats.

**18th. OCTOBER :—**Mr. P. N. Vakil, supporting the Bill to-day said that it was a friendly gesture on the part of the Government in response to the demand of the Opposition. Besides, being a constructive measure, it was comprehensive and as simple as the character of the subject permitted.

Dr. Solanki thought that all that had happened lately would not lessen the hardships and sufferings of the Depressed Classes. He considered that village was the real unit in which self-government should operate, but thought that provision should be made for representation of minorities like the Depressed Classes and Mahomedans. He was against the provision that only those who paid house-tax should have the vote.

Syed Miran Mahomed Shah thought that the Bill was an exotic plant as far as Sind was concerned, and that its introduction would create difficulties in Sind. The villages had their headmen for whom he thought an ex-officio seat should be provided on the Panchayat. He thought that the house-tax would be very unpopular in Sind, and advocated a share of the octroi as an alternative.

Mr. J. S. Kauri of Ahmedabad thought that the Bill should be radically overhauled. He was against forcing a measure on the villagers, which they had not been asked if they required.

Sir Ruston Vakil, replying to the debate, said that he was not in favour of separate electorates. Communalism had made itself unpleasantly felt in the cities, and he thought that the poison should not be introduced in the villages.

The motion for the first reading was passed, with only one dissentient voice, and the Bill referred to a select committee with instructions to report within two months.

#### BOMBAY WEIGHTS AND MEASURES BILL PASSED

**11th. OCTOBER :—**The Council to-day passed the Bill which fixed the scale of standard weights and measures for the Presidency of Bombay, as also two supplementary grants brought forward by the Home and General Member. The first of the grants was for making provision for motor transport to replace mounted police in the Bombay City and the other was intended to meet the cost of an additional Canal Telegraph and Telephone Inspector for Sind.

This completed the Government business before the House, which then took up consideration of the resolution moved by Rao Sahab Kulkarni which sought to have the seats for the various wards of the Poona City Municipality rearranged according to the proportion of the residents in each ward or on the basis of the number of voters. Sir Rafiuddin Ahmed opposed the motion on the ground that acceptance of the resolution would result in the reduction of the number of seats for Mahomedans on the Municipality from five to four.

The mover then withdrew the resolution, on an assurance by the Minister that, if a necessity arose, the Government would consider the distribution of seats in each ward on a population basis.

#### RESPONSIBILITY IN THE CENTRE

**12th. OCTOBER :—**The Council to-day discussed resolutions on matters of general public interest. Mr. J. B. Petit's resolution favouring the simultaneous establishment of a Responsible Central Government with the grant of Provincial Autonomy was discussed at great length. The mover said that the Ordinances were a confession on the part of the Government of their inability to govern without such extraordinary powers. If goodwill was to be created, the introduction of Responsibility at the Centre was the only means.

Mr. E. S. Kamat thought it better to wait till the Federation scheme was completed than to have mere Provincial Autonomy. Sir Shah Nawaz Khan Bhutto endorsed the opinion expressed at the Round Table Conference by the Moslem delegates, that, while pressing for Responsibility at the Centre, they should have immediate Provincial Autonomy. Sir Rafiuddin Ahmed did not see the utility of such resolutions, and advocated a policy of "wait and see."

The resolution was carried. The Government did not participate in the voting, but agreed to forward the same to the Government of India.

#### THE COMMUNAL DECISION

**13th. OCTOBER :—**In the Council to-day, Rao Sahab P. Kulkarni moved a resolution recommending that opinion in India on the Communal Award should be ascertained by the British Cabinet before the same was accepted as the basis for the formation of electorates and the distribution of seats in the Council. The House

generally was against a discussion of the subject, which it considered improper and inappropriate and as tending to promote communal ill-feeling. On the advice of several speakers, the mover withdrew the resolution.

#### WAKFS BOARD FOR BOMBAY

**16th. OCTOBER :—**The Council discussed a resolution to-day moved by *Mr. Mir Mahomed Balooch* (Karachi) requesting that the Government should give immediate effect to the report of the Bombay City Mussalman Wakfs Enquiry Committee, which had recommended in June 1931 that a Central Wakf Board be constituted and the Wakf Act applied to all sections of the Moslem community in Bombay city.

*Mr. L. R. Gokhale* (Poona) moved an amendment, asking that the Dawoodi Borah Community be exempted under Section 13 of the Act.

*Devas Bahadur Kambh.* Minister, replying, said that partial effect had already been given to the recommendations contained in the resolution, as the exemption of the Dawoodi Borahs had been cancelled. Details in regard to the constitution of the Board, the Government had found impracticable to carry out. In view of the fact that *Mr. Katri*, Secretary of the Committee, had promised to bring forward a Bill, he asked the mover to withdraw the resolution.

The mover complied with the request.

#### WORKING OF AHMEDNAGAR LOCAL BOARD

**17th. OCTOBER :—***Rao Bahadur G. K. Chitale* (Ahmednagar) moved a resolution to-day to the effect, that the Government be pleased to institute an enquiry by a competent officer into the working and administration of "the Ahmednagar District Local Board which is deteriorating." Moving the resolution, *Mr. Chitale* complained that the people of the Ahmednagar District had been deprived of certain amenities by the closing of the dispensaries and that the balance of Rs. 2,26,000 which the District Local Board had to its credit at the end of 1926, had been used up on spendthrift measure.

The Deputy President, *Mr. Navle*, proposed an amendment limiting the scope of the inquiry asked for, to the period the mover was president of the Board.

Another amendment by *Mr. Bole* asked that Rao Bahadur Chitale's management of the famine fund be included in the scope of the inquiry.

Several members, as also *Sir Ghulam Hussain Hidayatullah*, asked the mover to withdraw his resolution. The latter, in the course of his remarks, said that if the mover had approached the Collector, that officer would have seen that the District Local Board carried out its statutory duties.

In withdrawing his resolution, *Mr. Chitale* stated that the famine fund had nothing to do with the administrative work of the District Local Board, but was a scheme carried out by him with the assistance of the officials.

#### GRANTS FOR PRIMARY EDUCATION

**18th. OCTOBER :—**The Council to-day resumed the discussion on *Rao Bahadur R. R. Kale's* resolution that the decision of the Government reducing grants-in-aid to local bodies for primary education be reversed and the old practice be restored.

*Sir Ghulam Hussain Hidayatullah*, Finance Member, speaking after the subject had been discussed at length, said that the Government sympathised with the principle underlying the resolution, but at the same time he reminded the members that grants of all departments alike had been cut down. He would promise that consideration would be given to the suggestions made by the members for the taxing of cinemas, racing and other luxuries, as also the advisability of reducing the grant to the Bombay University. He thought it might be as well to wait for the recommendations of the Reorganisation Committee, whose report would be available before the budget came up. In any case, the House could rest assured that if it was possible, the grant of twenty-two lakhs retrenched would be restored.

The mover however did not signify his acceptance of the assurance, and the resolution on being put to vote was carried, the Government benches remaining neutral.

### Special Session—Bombay, 22nd. November 1932

#### Bombay Special Powers Bill

The special session of the Council met at Bombay on the 22nd. November 1932 to enable *Sir W. F. Hudson*, the Home Member to introduce a "Bill to confer

special powers on the Government and its officials for the purpose of maintaining law and order."

In introducing the Bill, the Home Member asked the House to keep in mind the principle of the Bill, namely, that it aimed at checking Civil Disobedience. Once that movement ceased, the provisions of the Bill would no longer be necessary to be enforced. The Home Member regretted the necessity to bring forward such a measure, but said that events had compelled the Government to introduce such a Bill, so that the Government might be able to maintain law and order. The Home Member felt sure that every member of the House would agree that Civil Disobedience should be checked. If that object was to be achieved, it was necessary for the Government to have the powers asked for in the Bill. The Home Member then recalled what he termed as the "sinister activities of the Congress in 1930." Namely, the Wadala raids, the picketing of shops, the stopping of lorries carrying foreign cloth and the "no-tax" campaign. These, the Home Member asserted, interfered with the ordinary life of the citizens. These activities, the Home Member further contended, would have been repeated in 1932, had it not been for the Ordinances. If there was comparative peace now, it was not because of the R. T. C. nor because of the Communal Award, nor because of the impending Constitutional Reforms, but because the Government had provided their officers with the necessary weapons with which to meet the challenge thrown out. He could not say when it would become possible for the Government to abandon these weapons as the war was still on. Congress bulletins every day asserted that the war was still on and would be continued. Therefore, the Government had to arm themselves with the necessary powers. The Home Member then pointed out that in the new Bill they had dropped several of the provisions of the Ordinance altogether, and had altered several others considerably. As an instance, he stated that under the Bill, only the Police Commissioner, Bombay, and the District Superintendents of Police in the mofussil, were given powers to arrest and detain persons on suspicion. The Special power asked for in the Bill, were to be kept in reserve to meet Civil Disobedience. That had been made clear in Sub-Section 3 of the Bill. In conclusion, the Home Member said that the Ordinance in force had never injured any law-abiding citizens, and similarly the new Bill would not injure anyone, unless he tried to make orderly Government impossible.

*Rao Bahadur Chitale* (Ahmednagar), opposing the Bill, said that the special powers would never restore peaceful conditions in the country, which were necessary for the successful working of the new Constitution. He added that they would only further irritate the feelings in the country. Referring to Congress non-co-operation which the Home Member had characterised as sinister activities, the Rao Bahadur said that non-co-operation had been constitutionally recognised as a political weapon in all countries. The principles of the Bill, he contended, were a direct attack on individual liberty, and the elementary rights of citizens. He thought that the Government had sufficient powers under the existing ordinary law without any necessity to resort to special legislation to deal with subversive activities.

*Mr. N. M. Kharbars* opposed the Bill, as he thought that it struck at the root of individual liberty, and the Government had enough powers at the present moment to deal with unlawful activities.

**23rd. NOVEMBER :—***Rao Bahadur Kale* opposed the Bill as he thought that the ordinary law of the land was quite adequate to meet the situation.

*Mr. J. B. Petit* opposed the Bill in its entirety. He said that if the measure was passed, it would do incalculable harm to the cause of the country. His experience of the working of the Ordinances, he said, had convinced him that the Bill, if passed, would bring about "suspension of the constitution, a negation of the laws of the land, and the substitution of martial law in the place of the ordinary law of the land." The speaker asserted that the ordinary laws of the land were quite adequate to deal with the situation. To describe as a revolution "the growing unpopularity of British rule" was, in the opinion of the speaker, a mistake and tantamount to misreading the situation. It would even amount to side-tracking the main issue, which had to be faced if the position was to be saved. The Congress movement, the speaker thought, did not amount to a revolution, as it did not contain the necessary concomitants of a revolution, such as, disloyalty and bloodshed. The real position, the speaker stated, was that there was a deep-rooted feeling against the existing state of affairs. It was a mistake to think that it could be remedied by means of Ordinances or such measures as the Bill before the House. The most

determined attempts on the part of the Government. Mr. Petit further contended, had resulted in nothing. The Government seemed to have caught a Tartar in the Congress. The speaker prophesied that the measure was bound to fail. The present trouble was the result of a long series of grievances due to the British rule which could not be remedied unless the present form of Government was changed by the immediate grant of complete self-government. The present Bill, if passed into law, the speaker thought, would reduce the people in the Presidency to the position of serfs, as the Bill was for suspending the constitution of the country and install in its place a Government with arbitrary and tyrannical powers. The speaker, therefore, appealed to the House to reject the Bill completely.

**24th. NOVEMBER :—**Mr. R. R. Bakhle, opposed its first reading, as in his opinion it was inconsistent with Criminal jurisprudence. The speaker contended that the Government had not given sufficient opportunities to the Congress leaders in jail to show whether they had changed their views on Civil Disobedience. Personally, he thought they were not disinclined to reconsider the position.

*Sir Ghulam Hussain Imdiyatullah*, Leader of the House, replying to the criticism of the Bill, stated that the Advocate-General had refuted the arguments of the Opposition members that the ordinary law of the land was sufficient to meet the situation. He thought that Civil Disobedience was only kept under check and the moment the measures were relaxed, it was bound to revive.

Mr. G. L. Winterbotham (European Member), supporting the Bill, stated that although he and his friends were not in favour of rule by special powers, they had to support the measure because of the present situation. He asserted that the ordinary law of the land was not adequate to deal with the situation.

Dr. Gilder, in opposing the Bill, said that the passing of the Bill would amount to the introduction of Star Chamber methods.

*Sir Rafiuddin Ahmed*, Ex-Minister, supported the Bill as he thought it was necessary to have a strong Government to put down anarchy.

**25th. NOVEMBER :—**Mr. G. Davis, Secretary, Legal Department, observed that the present laws of the land were quite inadequate to meet the situation created by the Civil Disobedience movement. The Government could not be expected to remain quiet while the consequences of civil Disobedience were inciting people to defy laws.

*Sir Shah Nawaz Khan Bhutto*, Leader of the Muslim Group, supported the first reading of the Bill, inasmuch as he thought that the Civil Disobedience movement had done great harm to the country.

*Haji Mir Mahomed Balooch* (Karachi, City) opposed the Bill as, in his opinion, economic distress was behind the present trouble.

Mr. N. Surve (Bombay City) moved an amendment, to the effect, that the life of the Bill should be restricted to one year, but that thereafter, it might be extended by the Government for a further period not exceeding two years, provided a copy of such an order was laid on the table of the House at the commencement of the session following the date of the issue of the order, and it was approved by a resolution.

The Home Member stated that in order to meet the wishes of the House to a certain extent, the Government had decided to have an amendment brought forward to the effect that the measure be in operation for one year, and thereafter for a period not exceeding two years as the Governor-in-Council might direct by a notification in the Gazette.

**26th. NOVEMBER :—**The Home Member's amendment was carried to-day. The Home Member agreed to the deletion of the sub-clause sixteen, which authorised the District Magistrates to delegate their special powers to any officer. Referring to the non-official demand for the deletion of Clause 33 relating to things done in pursuance of the Special Powers Ordinance, the Home Member said that unfortunately the situation in the Presidency would not justify the course. It was true that Civil Disobedience was not what it has been. But so far, there had been no gesture from the leaders of the Congress that they had changed their views. If there was any indication to call off Civil Disobedience, the Government would be too willing to do everything on their part.

The amendments agreed to by the Home Member was carried, while the rest were lost.

The Home Member, replying to the criticisms levelled against the Bill, said that he recognised that the provisions were somewhat distasteful, but he would point out that there had come over the world a great change in the ideal of people regarding freedom. They had also to move with the times. Continuing, the Home Member said that he was surprised at the argument that the provisions of the Bill before the House should have been embodied in another Ordinance. The Government did not want to promulgate any more ordinance, and wanted to obtain the sanction of the legislature for special powers. The Home Member could not agree with the argument that Civil Disobedience was dead and that there was no need for special powers.

**28th. NOVEMBER :—**When the Council reassembled to-day, the Home Member Mr. W. F. Hulse, moved the second reading of the Bill.

Mr. Gangoli moved that the Bill be sent to a Select Committee so that some of the rigorous aspects of the Bill might be investigated and deleted if necessary. *Rao Bahadur Kale*, Leader of the Opposition, supported Mr. Gangoli. Both the Home and General Members opposed the motion for select committee. The motion was put to vote and declared lost.

The Home Member referred to the amendments, and said that the Government were not prepared to accept any amendments which affected the very principle of the Bill and destroyed the preventive clause in it. (Giving an instance, the Home Member said that the Government were not prepared to give up certain powers of executive action contained in the Bill, which certain amendments sought to remove. These powers, the Home Member contended, had been found exceedingly successful during the last eleven months. In conclusion, the Home Member said that the Government were open to conviction with regard to certain other amendments which did not touch the principle of the Bill.

*Rao Bahadur Chitale* opposed the motion for the second reading of the Bill. Mr. N. E. Navle, Deputy President of the House, supported the second reading. Mr. B. Petit, opposing the motion, said that even now it was not too late to refer the Bill to a select committee, which would deal with the more objectionable features of the Bill.

The motion for the second reading was passed by 52 votes to 22.

Discussion of the Bill clause by clause was then taken up.

**29th. NOVEMBER :—**A number of amendments were moved to-day, but when put to vote, were declared lost. *Rao Bahadur R. R. Kale* moved an amendment, to the effect, that before a person is arrested on suspicion, he should be given a reasonable chance to explain himself.

The Home Member, opposing the amendment, stated that persons arrested were given such an opportunity before the final orders for their detention were passed. (Giving an instance, the Home Member stated that in Bombay City all the persons arrested on suspicion were taken to the Police Commissioner before being detained, and the Commissioner passed orders for their detention only after satisfying himself that they were connected with Civil Disobedience. In the majority of cases, it was found they were in some manner or other connected with the Civil Disobedience. If the Opposition Leader's amendment was accepted there was a likelihood of persons against whom action was proposed to be taken, absconding. The Home Member, however, stated that in order to meet the wishes of the House, he had decided to move an amendment that "the police officer who arrests a person on suspicion should immediately submit a report to the Governor-in-Council, along with a written statement of the arrested person, if there be any." He thought that it would enable the Government to go into the merits of the case and decide to release the person if the statement warranted such a release.

In view of this, *Rao Bahadur Kale* withdrew his amendment, and the House accepted the Home Member's amendment.

**30th. NOVEMBER :—**A number of amendments were moved to-day to the clause under which orders can be issued asking detained persons to report themselves to the police or leave the places for their unlawful activities after their release, but all of them were rejected. The Home Member, however, in order to meet the wishes of the House, moved an amendment enabling the Government to review such orders every six months so that they might be able either to cancel or modify them in accordance with the requirements of the situation. The amendment was carried.

**2nd. DECEMBER** :—The Council passed as many as 15 clauses of the Bill to-day. The clauses pertained to punishments for breach of orders and instigation of non-payment of a notified liability and to specials powers for the trying courts. Numerous amendments from the non-officials seeking to reduce punishments and make other alterations were all lost. The Home Member, in deference to the wishes of the members, withdrew clause 19 relating to punishment for wilful failure or refusal to pay notified liabilities. The *Thakur Sahib of Kerkada*, representing the landholders, and two other members expressed disappointment that the Government dropped this provision giving protection to the landholders against non-payment of arrears. The *Home Member* replied that landholders had full protection under the existing law and he assured them that Government will give them the necessary protection whenever the Government's attention was drawn to instigation to non-payment of arrears.

**3rd. DECEMBER** :—In the Council to-day. *Sir Rafiuddin Ahmed*, ex-Minister, supporting the Bill, said that those who supported the measure had done so in a spirit of patriotism. He declared that there was nothing in it to feel ashamed about. He was sure that the advent of self-government would only be through constitutional means. Terrorists and lawless activities must be put down. He pointed out that those who supported the Bill realised the necessity for it.

*Rao Bahadur Chitale* opposing the Bill, said that it was an irony of fate that the House was called upon to put its seal to the present measure. He appealed to the Government to see that the measure was put into force only when it was extremely necessary.

The Bill was put to the vote and passed by 48 against 19 votes.

The Council voted a few supplementary grants, after which it was *prorogued*.



# THE MADRAS LEGISLATIVE COUNCIL

## The Governor's Opening Speech

The third session of the newly constituted Madras Legislative Council was opened by H. E. the Governor at Madras on the 2nd August 1932.

Giving reasons why he disallowed the resolution which it was proposed to move in this Council to the effect that the procedure outlined by the Secretary of State regarding constitutional reforms was not acceptable to Indian opinion, His Excellency said:—'I have done so because in my opinion it is not primarily the concern of his Government but of His Majesty's Government and of the Government of India who have been clearly informed by responsible leaders that the new procedure was not acceptable to them. I naturally, therefore, do not intend to discuss it myself, but must own that I hold very strongly that once it has been made clear that the proposal does not meet with favour, the less said the better at this particular juncture when all efforts are being directed, and I hope will be successfully directed, towards finding some way out of the present difficulty.' His Excellency was quite sure that they were all agreed in hoping that it would be possible to find a solution which would satisfy Indian opinion and at the same time secure the object aimed by His Majesty's Government, namely, to expedite the passing of the bill which would usher a new era in this country. 'If I may be allowed to make a personal reference I am particularly anxious that this be so, as ever since I entered my present office I have always cherished the hope that it might be my privilege to inaugurate reforms here and see them working satisfactorily in this presidency, where at any rate, I am confident they will be operated for the good of the presidency and its inhabitants.' Justifying the retention of ordinance His Excellency said: 'I must point out that however far-reaching the new reforms may be, they will be seriously handicapped from the very inception, if the idea were to get abroad that law and order need not be respected, and my Government and I are determined that we will not leave to the future responsible government of this presidency a legacy to let a small minority of people with impunity to defy the Government of the day, which defiance would, if successful, speedily lead to a condition of chaos and anarchy.'

## DEBATE ON ORISSA COMMITTEE'S REPORT

**4th. AUGUST :—**To-day being an official day discussion was resumed on the Revenue Member's motion that the Orissa Committee's report be taken into consideration.

The *Rajah of Bobbili's* amendment which strongly opposed the transfer to the proposed Oriya province of any portion of Vizagapatam, Ganjam and the districts south of the Rishikniya river and the areas wherein the aboriginal tribes were in a majority, excited a heated debate.

Mr. *Bashoor Ahmed* moved an amendment seeking to eliminate the objection to the transfer of areas where the aboriginal tribes were in a majority. The amendment was lost and the *Rajah of Bobbili's* motion carried by a large majority.

*Dewan Bahadur Arokiaswami Mudaliar*, ex-Minister, moved an amendment that the formation of a new province with the addition of parts of the Madras presidency do lie over and be decided by the Federal Government, when constituted. The motion was negatived and the Revenue Member's motion as amended carried.

## BILLS TO AMEND MUNICIPALITIES AND LOCAL BOARDS ACTS

The Chief Minister's bills to amend the *Madras District Municipalities Act* and the *Madras Local Boards Act* was referred to select committees. The object of the bills was to prevent the abuse of the power vested in members of local bodies to move no-confidence motions in chairmen and vice-chairmen. While leaving to councillors the right to move motions of no-confidence, the provision for the automatic vacating of office by the chairman or vice-chairman was sought to be deleted, and power vested in the Government to remove such chairman or vice-chairman. The bills also provided that if a motion had been rejected or not carried by the prescribed majority, no similar motion should be brought until after the lapse of six months.

## MADRAS SERVICE COMMISSION ACT AMEND. BILL

There was a lengthy discussion on the Revenue Member's bill to amend the *Madras Service Commission Act, 1929*, intended to bring the Act into conformity with the rules recently amended by the Secretary of State in Council. The Revenue Member observed that the sub-committee of the Round Table Conference had recommended that in the future constitution appointments to the public services should be made by the Governor and not by the Governor in Council. The recommendation had been practically accepted by the Secretary of State. The present bill sought to bring the Madras Act in line with the rule. If the Governor was vested with this power he would be able to make appointments uninfluenced by political considerations.

The motion to postpone consideration of the bill being lost, the amending bill was passed into law.

## THIRUMAL THIRUPATHI DEVASTHANAM BILL

**5th. AUGUST :—**The third reading of the Thirumal Thirupathi Devasthanam Bill was passed to-day. The Bill took away the control from the hands of the Mahant who had been functioning as the Trustee of the temple and vested it in a special board of seven Hindu members, two of whom were to be nominated by the Government and the four to be elected by the Council, the Mahant being of 70 years of age and a permanent member. The Bill also appointed a salaried commissioner to act as executive officer for the management of day to day affairs. The Thirupathi Temple had an annual income of Rs. 16 lakhs including contributions from pilgrims all over India. The Board would administer this revenue.

## ORGANISATION OF STATE LOTTERY

A resolution recommending for organisation of a state lottery on the lines of the Irish Free State lottery for financing public utility undertakings like trunk roads, bridges, water supply etc., which would suffer owing to retrenchment, was negatived by 43 votes against 11. The Council adjourned to meet again on October 23.

## Winter Session—Madras, 23rd October 1932

The winter session of the Council commenced on the 31st. October 1932 with a heavy agenda of non-official business, including 31 Bills, mostly of local interest, besides resolutions. The Council at the outset passed a resolution on the motion of *Sir Mahomed Usman*, leader of the House, expressing sincere regret at the death of *Sir Thomas Moir*, formerly Finance Member, Madras. Glowing tributes were paid to the deceased's memory by spokesmen of all sections of the House, particularly about his services for the upliftment of the depressed classes, as Labour Commissioner.

## BELLARY JAIL DISTURBANCES

After question time, the *Law Member*, responding to a request by *Mr. Ranganatha Mudaliar*, ex-Minister and Member from Bellary, made a statement regarding the Bellary Jail disturbances. He said that on September 12 the usual weekly parade of political prisoners was held. It was the rule on these occasions that prisoners should stand in a line with their caps and weightment charts but two Punjabee conspiracy prisoners, who were in the jail at that time, appeared without caps and weightment charts. Being questioned by the Jail Superintendent, one Punjabee prisoner stepped out of the line and told the Superintendent that he would disobey all jail rules and refused to fall back into line. He also shouted "Up with Revolution," and "Down with British Government." This created a great commotion, and a scuffle ensued in which a number of other prisoners also took part. The situation getting serious the Reserve Police were requisitioned and quiet restored within an hour. During the scuffle a number of warders as well as prisoners sustained minor injuries, except in the case of one prisoner, one of whose finger bones were broken. A detailed official enquiry revealed that none of the jail officials could be blamed for the incident and it was solely due to the mischief of the Punjabee prisoners. As a sequel to the disturbance, the Law Member added that 33 prisoners went on hunger strike but all had since given it up except six prisoners who still continue the hunger strike, but no forcible feeding has been resorted to so far in their case.

Replying to *Dr. Subbarayan*, Opposition Leader, the *Law Member* stated that no deviation has been made in the declared policy of the Government regarding the

treatment of political prisoners and criminals. The Law Member also stated that he would consult the Inspector General of Prisons regarding the removal of bar letters of prisoners who behaved disorderly if that would stop hunger strike in future.

In view of the Law Member's statement Mr. Ranganatha Madalari withdrew his notice of the adjournment motion.

#### RESOLUTION ON TEMPLE ENTRY CARRIED

**1st. NOVEMBER** :—The Council carried to-day a resolution regarding temple entry moved by *Dr. Subbarayan*, opposition leader, none dissenting. The resolution recommended to the Government to recognise the strong and growing feeling in the Hindu community that disabilities hitherto imposed by usage on certain classes and communities in regard to social intercourse and common worship at temples should be removed and justice should be rendered to them so that they might take advantage of the great impetus given in this respect by the Poona Settlement and the consequent agitation throughout the country, that places of public worship should be thrown open to the so-called depressed classes. The resolution further recommended legislation for removing the doubts and disabilities which the trustees and other persons holding authority in the administration of Hindu temples felt in regard to throwing them open to all classes, with necessary safeguards for making regulations to maintain order and cleanliness in the temples, as also regarding performance of ceremonies according to the usage of a temple.

The *Law Member* said that the Government wished to have the opinion of the House and would be helped by their decision. Fifty-seven voted for the resolution while nineteen remained neutral, the Government members not voting.

#### NEW MINISTRY FORMED

**7th. NOVEMBER** :—After the reshuffling of the Ministry during the intervening period, the Council reassembled to-day when the new Ministers took their seats. *Dewan Bahadur Muniswami Naidu*, ex-Chief Minister, made the following statement regarding the circumstances leading to the formation of a new Ministry: 'There had been a small section in the Justice party which had been up against me. My chief offence, in the estimation of these people, was that I did not provide a place in the Ministry for a zamindar. I had no prejudice against any one, but in choosing my colleagues I have to be guided by the feeling in the party as a whole and considerations of efficiency and past service. The choice I eventually made was not agreeable to the Raja of Bobbili, now Chief Minister and some of his friends, and consequently they began giving trouble in the party.' Continuing, he said that the one way whereby this purpose was sought to be achieved was the pursuit of a campaign of misrepresentation, the main ground of attack being that inasmuch as he always pleaded that the membership of the party should be thrown open to all communities, he was not to be looked upon as an orthodox Justice. After referring to the differences in regard to certain administrative actions he had taken as Chief Minister, he said he resigned office more readily since in view of the demoralization all round, and hostility of the Raja Sahib and the 'intrigues' of his colleagues, he could not hope to serve usefully either the party or the administration by continuing in office.

#### FORMATION OF SECOND CHAMBER

A lively debate then ensued over the question of the establishment of a second chamber in the province on *Sir Archibald Campbell's* motion that paragraphs 367 to 385 of the Indian Franchise Committee Report relating to the establishment of a second chamber be taken into consideration in their special application to conditions in this province. The object of the motion, the Revenue Member said, was to raise a debate on the subject as His Majesty's Government desired the expression of non-official opinion in this matter.

*Dr. Subbarayan* moved an amendment to the effect that the constitution of a second chamber in this province, was unnecessary and undesirable.

The *Zemindar of Mirzapuram*, opposing the amendment, contended that a second chamber would provide an effective check on hasty legislation, instancing the Madras Motor Vehicles Act and the District Boards Act as examples.

Before the house adjourned, the *Raja of Bobbili*, the Chief Minister, made a lengthy statement refuting the various allegations made by *Dewan Bahadur Muniswami Naidu*, in the morning.

## MARUMAKKATHAYAM BILL PASSED

The Council next passed the Marumakkathayam Bill introduced by Mr. R. M. Palet into law.

## HIGH WATER CESS FOR IRRIGATION

8th. NOVEMBER :—The adjournment motion moved by the member from Tanjore regarding levy of a high rate of water cess for irrigation in Tanjore District, was discussed. Non-Officials held that the imposition of high rates was unfair and improper. They pointed out the rayats were driven to the necessity of a no-tax campaign. The Revenue Member justified the increase but said that it should not be collected this year. The motion was carried without a division.

## FORMATION OF SECOND CHAMBER

By 45 against 22 votes the Council carried to-day Dr. Subbarayan's amendment to Sir Archibald Campbell's motion, to the effect that the constitution of a second chamber in this province was unnecessary and undesirable. The Government members and nominated officials remained neutral.

Dr. Subbarayan asked why the Government had dropped certain items of official business from the agenda. He pointed out that the *District Municipalities Amendment Bill*, the *Local Boards Amendment Bill* and supplementary demands for the improvement of village roads had been dropped. The public at large were thinking that the bills would be passed as soon as possible.

Sir Mahomed Usman said that with regard to official business the Treasury Bench had a consultation and they came to the conclusion that the business might be postponed. Dr. Subbarayan asked whether it was because they were afraid of a no-confidence motion. The President, intervening, said that the Government members had a right to adjust their business. The House then adjourned till Jan. 23.

## THE C. P. LEGISLATIVE COUNCIL

## OFFICIAL BILLS INTRODUCED

The autumn session of the C. P. Legislative Council commenced at Nagpur on the 25th. August 1932 with the hon. Mr. S. W. A. Rizvi, the President, in the chair.

The President announced that the three adjournment motions tabled by Messrs. Khaparde, Parekh and Chaudhary regarding the alleged ill-treatment of political prisoners with particular reference to the conditions in Amraoti jail, had been disallowed on grounds of technical flaws.

The hon. Mr. P. S. Deshmukh presented the report of the select committee on the *Indian Tolls Bill*, which the House passed.

The hon. the Home Member introduced the *Central Provinces Courts Amendment Bill*. Mr. M. P. Kolhe urged its circulation. The Home Member agreed to do so.

The hon. Mr. H. C. Gowan, Finance Member, introduced the *Central Provinces Village Sanitation and Public Management Amendment Bill*, which the House, on the motion of Mr. M. P. Kolhe, agreed to circulate.

The hon. Mr. P. S. Deshmukh, Education Minister, introduced the *Central Provinces Primary Education Amendment Bill*, which the House, on the motion of Mr. Kanitkar, agreed to circulate.

The hon. Rai Bahadur G. P. Jaiswal's *Central Provinces Local Self-Government (Second Amendment) Bill* was referred to a select committee.

The hon. Mr. H. C. Gowan introduced the *Central Provinces Local Fund/Audit Bill* and moved that it be referred to a select committee. Mr. C. B. Parekh vehemently criticised the Audit department and pressed for the circulation of the bill to elicit opinion. The House, however, agreed to refer it to a select committee by 38 votes against 6.

The Home Member moved that the *Central Provinces Medical Registration Amendment Bill* be referred to a select committee. Mr. Kanitkar urged its circulation, but the House agreed to refer it to a select committee without a division. The Council then adjourned.

## DEBATE ON COMMUNAL AWARD

**26th. AUGUST :—**The hon. Mr. H. C. Gowar. Finance Member, introduced the *C. P. Debt Conciliation Bill*, which was under consideration of the House when Mr. R. A. Kanitkar's motion that the House do stand adjourned as a mark of protest against the communal award announced by the British Government. Speaking on the motion, Mr. Kanitkar declared that the award had created more divisions among Indians than had already been existing. The continuance of separate electorates was a bar to progress and had been conceded to communities who had not asked for it.

Mr. M. Y. Shariff, leader of the Moslem group, opposing the motion could not understand on what principle, moral or legal, the award could be impeached, considering the existing conditions. A blank card had been given to the British Government to settle the dispute, which task was certainly not an easy one. He concluded that communal representation was the only remedy in the present circumstances, otherwise there would be chaos and no progress.

At this stage the hon. Mr. Raghavendra Rao, Home Member and leader of the House, explained the attitude of the Government on the motion. He said that the Government had no desire to participate in a discussion on the merits of the motion. Members were aware of the events which made it obligatory for the British Government, much against their own inclination, to give an award. It was not for the local Government to comment on it either by way of approbation or criticism. The outstanding feature of the award, continued the Home Member, was that it left the way open to an agreed settlement among the communities affected by it and he appealed to members not to minimise this aspect of the award. If the people of this country wished to see the new constitution inaugurated in an atmosphere of good-will, they should leave no stone unturned either to accept it unanimously or produce another agreement between all the communities and interests concerned. If they succeeded in the latter, he concluded, none would be more pleased than the Government of the Central Provinces.

Mr. Gavai (depressed classes, nominated), supporting the motion, opined that no adequate protection had been given to the depressed classes. The intention of the Government was to separate one community from another. Even Dr. Ambedkar was dissatisfied with the award. To separate the depressed classes from Hindus was a disgrace, he declared, and said that his community was not allotted seats according to the population basis. Rao Bahadur Naidu, leader of the Democratic party, said that the award was not expected to satisfy everybody. It was imposed because of the failure of the communities to settle the dispute among themselves. He could not understand whether to blame the award or ourselves. Khan Bahadur Mirza Rahman Brg, opposing the motion, supported the award. The rev. G. C. Rodgers (Anglo-Indian and European, nominated) characterised the award as an honest and sincere attempt by the British Government to settle the communal dispute. Opposing the motion, Mr. T. C. Sakhra (depressed classes, nominated) supported the principle underlying the award and urged adequate representation of his community. Mr. C. B. Parakh (Independent) opined that the award was fundamentally wrong in principle and opposed to democracy. At this stage, the motion was talked out.

## DEBT CONCILIATION BILL.

The House then resumed the discussion on the *Debt Conciliation Bill*. Mr. Khaparde's amendment urging its circulation to elicit public opinion was rejected by 37 votes against 24, and the bill was referred to a select committee. The House then adjourned.

## NON-OFFICIAL BILLS

**27th. AUGUST :—**The Council disposed of several non-official bills to-day. Mr. Gavai's *Public Places User Bill* was referred to a select committee. Seth Thakurdas Govardhan Das's *Public Gambling Act Amendment Bill* was lost by 29 votes against 30. Mr. Patil's *Village Panchayat Amendment Bill* was referred to a select committee. The *Municipalities Act Amendment Bill* moved by Seth Thakurdas was thrown out, Government opposing it. Mr. Waghai's *Juvenile Smoking Act Amendment Bill* was thrown out, Government opposing it.

## INHUMAN TREATMENT TO POLITICAL PRISONERS

Moving a motion of adjournment, Mr. Khaparde made allegations of inhuman and barbarous treatment meted out in Raipur and Amraoti jails to political prisoners.

Messrs. Falay, Chaulal and Manmohan Singh supported the motion citing several instances. The Government defended themselves refuting the allegations and assuring the House that the Government policy was not vindictive but fair and just. The treatment of prisoners was absolutely human and these allegations were merely political propaganda. The discussion lasting for two hours, the motion was talked out as the mover did not press it to a division. The House then adjourned.

#### NON-OFFICIAL BILLS FOR CIRCULATION

**29th. AUGUST :—**The House to-day disposed of several non-official bills which it agreed to circulate. Mr. Kolhe urged that his *C. P. Local Self-Government Amendment Bill* be circulated to elicit public opinion which was opposed by the Government and other members. After speeches by Mr. Sakhre (nominated member on behalf of depressed classes), Mr. M. Y. Shareef and Mr. B. B. Parekh, the Bill was thrown out, 22 voting for and 45 against.

#### STATE AID TO INDUSTRIES BILL.

*Seth Thakurdass's C. P. State Aid to Industries Bill*, (Government not objecting to, was referred to circulation to elicit public opinion.

#### UNREGULATED FACTORIES BILL.

*Mr. Fulay's C. P. Unregulated Factories Bill*, *Mr. Parekh* supporting the Government and *Mr. Kothare* and *Seth Thakurdass* opposing, was thrown out by 16 against 29 votes.

#### NOMINATION OF WOMEN TO LOCAL BOARDS

*Mrs. Ramabai Tambe*, nominated member, introduced a bill to amend the *C. P. Local Self-Government Act* by providing nomination or selection to women in the local boards and district councils. The motion for circulation of the Bill was lost by 22 votes against 32.

#### BILL TO AMEND NAGPUR UNIVERSITY ACT

*Mr. D. T. Mangalmoorti's bill to amend the Nagpur University Act* enabling librarians and library clerks to appear for university examinations privately was agreed to be circulated for eliciting public opinion.

#### LOCAL SELF-GOVERNMENT AMENDMENT BILL.

In commending his *Local Self Government Amendment Bill* to the House for circulation, *Mr. M. P. Kolhe* contended that nominations by the Government to local bodies should be done away with in view of the fact that in the future constitution nominations to legislatures would be eliminated.

*Mr. C. D. Deshmukh*, revenue secretary, opposed the motion and pointed out that nominations by Government were necessary for giving adequate representation to the minorities and women. The motion was supported by Messrs. D. T. Mangalmoorti, R. A. Kanitkar, B. G. Khaparde and opposed by Messrs. Sakhare, S. M. Rahiman, Yusuf, Shareef and C. B. Parekh. The motion was ultimately lost by 22 to 45 votes.

#### LEGAL PRACTITIONERS (C. P. AMEND.) BILL.

The *Legal Practitioners (Central Provinces Amendment) Bill* moved by *Mr. T. G. Kedar*, leader of the People's party in the Council, gave rise to an animated discussion to-day, for about four hours, resulting in a defeat for the Government. The Bill aimed at preventing the suspension or debarring of legal practitioners convicted for participating in the civil disobedience movement. *Mr. Kedar* sprang a surprise on the Government benches by moving that the Bill should be taken into consideration at once and requested the President to suspend the standing orders. Opposition to this came from Government and the President, after some deliberations, did not see his way to accede to *Mr. Kedar's* request. Then *Mr. Kedar* moved circulation of the Bill for eliciting public opinion. The essence of *Mr. Kedar's* speech was that wrong interpretation had been given to section 13 F. of the *Legal Practitioners Act* by the local High Court and that the local Legislative Council had power to modify this defect. He went on to say that lawyers should not be punished twice for activities beyond the scope of their profession and of all the provinces, C. P. alone took a lead in punishing lawyers. 'Why should lawyers alone be penalised when people following other professions were allowed to let go?'

Messrs. S. M. Rahman, Gokulchand Singai, Seth Sheelal, R. W. Fulay, C. B. Parekh and Yusuf Sharsaf ranged themselves on the side of the motion while Khan Bahadur Tarapore spoke against. Opposing the motion for circulation, Mr. E. Raghavendra Rao pointed out that the Legal Practitioners' Act was an all-India measure and interference with it here would create an anomalous position. He hoped that members themselves would not like the idea of curtailing the powers enjoyed by the High Court in regard to control over legal practitioners. The lawyers were officers of court and owed allegiance to the Crown and it was not expected of them to break laws which it was their duty to uphold. Finally, the leader of the House while acknowledging the sincerity of those people stated that the door was not closed to them if they chose to reinstate themselves. On a division being challenged by Government the motion was carried by 35 to 27 votes.

#### DEBT CONCILIATION BOARD

**30th. AUGUST :—**The discussion on non-official resolutions was taken up to-day. Mr. Chandan Lal's resolution recommending the formation of a debt conciliation board to relieve the agriculturists of their heavy indebtedness was carried.

#### FEDERAL FINANCE AND PROVINCES

Mr. T. C. Sakhre, a depressed class nominated member, moved a resolution recommending to the Government to communicate to the Government of India its considered opinion that at the forthcoming financial settlement, the interests of the agricultural provinces should not be subordinated to those of the industrial, and the financial burden should be evenly distributed among every member of the federation. Rao Bahadur Naidu, leader of the Democratic party, Mr. C. B. Parekh, Mr. S. M. Rahman and Mr. R. W. Fulay supported the resolutions while Mr. D. T. Mangalmurti opposed. The Government not objecting, it was carried unanimously.

#### GOVERNMENT SERVANTS' SALARIES TO BE LOWERED

Mr. D. Y. Rajurkar moved that in view of the prevailing low prices and economic depression the scale of Government servants' salaries should be brought down to the pre-war level. Seth Sheelal supported while Mr. Fulay and the Government members opposed. The Home Member, Mr. Raghavendra Rao, said that enough reduction had already been made in accordance with the retrenchment scheme. Efficiency was sure to deteriorate if public servants were dissatisfied. When a division was pressed 21 voted for and 22 against. The result was a failure of the motion.

In the absence of Mr. S. G. Naik, Rao Bahadur K. S. Nayudu moved a resolution which aimed at lowering *natrani* paid by owners of houses on agricultural land in towns of commercial importance at the time of sale to *Malguzars*. It was lost.

**31st. AUGUST :—**After question time lasting for one hour the House proceeded with non-official resolutions. Thakur Mannohan Singh's resolution for the removal of Miss Rabbit forthwith from the post of matron of Mayo Hospital, Nagpur, was withdrawn on the Government's assurance that the allegations of her ill-treatment of patients and nurses would be inquired into.

Mr. C. B. Parekh's resolution to extend the provisions of the Bar Council's Act to the Central Provinces was lost by 26 votes to 37 after the Government's opposition that it was inopportune.

So also was lost by 18 votes to 41, Rao Saheb U. S. Patil's resolution recommending the appointment of a committee to overhaul the constitution of local bodies in the province. Mr. C. D. Doshmukh, revenue secretary, pointed out that this step was undesirable on the eve of the momentous constitutional changes.

#### ALLEGATIONS AGAINST JAIL OFFICIAL.

The House was then engaged for about three hours with a resolution, which evoked animated discussion and which witnessed eleventh-hour party manoeuvring. Mr. T. J. Kedar, leader of the People's Party, moved that the services of Mr. C. Harvey, superintendent of the Amraoti jail, be dispensed with for abuse of authority. The speaker levelled charges against him of confining political prisoners collectively in prison barracks for three days without food and water. This, he said, amounted to a violation of the punishments to be inflicted in accordance with the Jail Manual.

Mr. E. Gordon, Chief Secretary, emphatically denied the allegations and said that the state of affairs in the Amraoti jail was nothing short of a mutiny by the prisoners which required certain drastic actions.

*Rao Bahadur K. S. Nayudu*, leader of the Democratic Party, suggested a *via media* which provided for an enquiry by the Home Member assisted by the jail visitors. While *Thakur Mannohan Singh* welcomed this suggestion, *Mr. G. S. Deshmukh* supported the resolution. *Mr. Yusuf Sharief*, leader of the Muslim group, deprecated this sort of condemnation since it would have an unsalutary effect on the services and pleaded for a fair enquiry. The rev. *Mr. G. C. Rogers* representing the Europeans and Anglo-Indians appealed to the House not to be swayed by communal bias and opposed the dismissal of *Mr. Harvey* without giving him opportunity of explaining his conduct. *Mr. R. A. Kawlikar*, Nationalist, favoured the line of enquiry suggested by the Democratic leader.

A different note was struck by *Mr. C. B. Parakh* who proposed an enquiry to be conducted not only about the Amraoti jail but also about the Raipur jail by a committee composed of the Home Member and the various party leaders including himself. This was opposed by the leader of the House as being beyond the scope of the resolution with which the President agreed.

The hon. *Mr. B. Raghavendra Rao*, Home Member, expressed his willingness with the proposal of *Isai Bahadur Nayudu* and wished to ascertain from the various party leaders if that was agreeable to them.

*Mr. Kedar*, however, fell in with the proposal of *Mr. Parakh* with the reservation of the Raipur jail. The Home Member yielded gracefully to the suggestion amidst cheers and congratulations from the sponsor of the resolution.

The House was in no mood to sit thereafter and the hon. *Mr. S. W. A. Rizvi*, President, read a communication from His Excellency the Governor *provoquing the Council*.

## THE U. P. LEGISLATIVE COUNCIL

OPENING DAY—LUCKNOW, 3rd. NOVEMBER 1932

### FORMATION OF SECOND CHAMBER

The autumn session of the U. P. Legislative Council commenced at Lucknow on the 3rd. November 1932. After interpellations and business of minor character, the House accepted a non-official resolution recommending the establishment of a second chamber in the provinces. The Government members abstained from voting but the Minister for Local Self-Government spoke offering a whole-hearted support to the resolution.

Leave to introduce a motion of adjournment of the House in order to discuss the Government resolution on the report on Rent and Revenue Committee, was disallowed by the President, the Hon. *Sir Sita Ram*. He said that in view of the trend of discussion on the floor of the House he thought it was a matter on which a resolution had better be tabled.

### ENQUIRY INTO UNEMPLOYMENT PROBLEM

**4th. NOVEMBER** :—The Council accepted to-day the non-official resolution recommending the appointment of a committee to enquire into the question of unemployment. There was no dissident. The Minister in charge of the Industries Department, speaking on behalf of the Government, said he was fully aware of the immensity of the problem and had every sympathy with the object of the resolution. He, however, felt that the proposed committee would serve no useful purpose. The Government was doing every thing departmentally to tackle the problem.

Another resolution expressing the opinion that the recommendations of the Federal Finance Committee to revive provincial contributions to the Central Government were unacceptable, was also carried *nem con*.

The House, however, rejected by a large majority a resolution urging the Government not to supersede any District or Municipal Board without first making reference to the Local Boards' Advisory Committee.

### SEPARATE ACCOMMODATION FOR WOMEN IN JAILS

By another resolution the Council recommended that in all jails in the United Provinces separate accommodation should be provided for women convicted in connection with political activities from ordinary and habitual women criminals.



### The U. P. Special Powers Bill

**5th. NOVEMBER** :—In the Council to-day, the Finance Member introducing the United Provinces Special Powers Bill, moved for its reference to a select committee, with instructions to report by 15th. November. He surveyed the events preceding the promulgation of the Ordinances. He also reviewed "the circumstances which rendered the special legislation necessary", and said that it was intended not only for the present Government, but for their successors, who in the early stages would be peculiarly vulnerable to threats of attacks from unscrupulous agitators.

A non-official Muslim member, opposing the motion, said that the remedy lay in asking the Imperial Government whole-heartedly to accept the demand for Self-Government. The debate had not concluded when the House adjourned.

**7th. NOVEMBER** :—By 56 votes to 24 the Council accepted to-day the motion of the Finance Member urging the reference of the Bill to a Select Committee with instructions to report by November 15. The amendment of the Leader of Opposition urging the circulation of the Bill for eliciting opinion was rejected by 57 votes to 33.

The debate lasted for two full days. The object of the measure was to empower the Local Government to deal with any concerted movement prejudicial to public peace, such as, the no-rent campaign, which, in the words of the mover, threatened the province with agrarian revolution in last December.

In the course of his speech the Finance Member, the Hon. J. M. Clay, said that the actual number of prosecutions for the No-rent propaganda under the original no-rent Ordinance had been 536; under Ordinance III of 1932 i. e., the Unlawful Instigation Ordinance 1,500 and under the Special Powers Ordinance now in force, 86 up to the end of September last. The total of these prosecutions was slightly in excess of 2,100 cases for the whole province.

### OFFICIAL BILLS

**8th. NOVEMBER** :—There was a brief sitting of the Council to-day. The following motions were adopted without any speeches :—

Nawab Mohammed Yusuf, Minister in charge, moved that the Legislative Council do elect one non-official member to serve on the board of Indian medicine. U. P.

The same Minister introduced a bill to amend the *United Provinces Prevention of Adulteration Act of 1912*. After the bill was taken into consideration, it was passed.

The Finance Member introduced a bill to amend the *U. P. Court of Wards Act of 1912*. The motion to refer the bill to a select committee was carried without any opposition. Members who spoke on this motion expressed their views on the way in which some provisions of the bill could be improved in the select committee.

The Finance Member next introduced a bill to amend the *United Provinces Land Revenue Amendment Act of 1932* which was passed. The Council then adjourned to meet again on Nov. 24.

### THE ALL INDIA SERVICES

**24th. NOVEMBER** :—Without discussion the Council accepted to-day the resolution of the Deputy Leader of the Opposition, recommending to Government to represent to the higher authority the desirability of sanctioning the scheme of retrenchment relating to All-India services, which had been forwarded to them by the Local Government.

The mover said that the House sanctioned taxation measures in last March on this distinct undertaking, and that unless this was done he would ask Government for permission to introduce a Bill urging the repeal of those measures, and hoped that he would be given such permission.

The Finance Member, replying, repudiated the allegation that Government had broken the contract, and said that they had submitted the scheme to the Government of India, which was receiving the latter's attention. He, however, was unable to reply to the latter part of the mover's query at such a short notice.

A resolution urging the appointment of a committee to enquire into the causes of discontent prevalent about the judicial administration in Oudh, was disallowed by the Governor, while another urging the replacement of the double election system for the depressed classes, which had been agreed upon at Poona by a more suitable method, was lost, no discussion being called for.

## ILL-TREATMENT OF POLITICAL PRISONERS

**25th. NOVEMBER** :—Three non-official resolutions were carried to-day without any division. In all of them the Finance Member was the solitary member to speak on behalf of Government.

*Mr. Ram Bahadur Saxena* moved a resolution asking Government to appoint a committee consisting of Council members to enquire into and report about the alleged ill-treatment of political prisoners in U. P. jails. *Mr. Chintamani* made a vehement speech giving his support to the resolution. He expressed his gratitude to the Nawab of Chhattari for attending to complaints made to him. He asked the Government to state what action they had taken on the remarks made by Sir Sita Ram with regard to the Bareilly jail. He pointed out that the complaints were far more numerous and far more serious. He strongly emphasised the complaints made with regard to the Fyzabad district jail. With great vehemence he repeated twice that the measures that had been adopted in that jail during recent weeks had exceeded all bounds of reason, justice or humanity. He said that he made that statement without modification or reservation.

The *Home Member* explained that the complaints were exaggerated in most cases and in some cases the offenders were brought to the book. Incidentally he appreciated the conduct of Pandit Jawaharlal Nehru and Pandit Krishna Kant Malaviya who helped the Government in every way. If only their followers imitated them there would be no difficulty whatever. However he assured the House to look into those cases which were brought to his notice. The motion was negatived without division. The House then adjourned.

## GRANTS VOTED DOWN WITHOUT SPEECHES

**26th. NOVEMBER** :—The Council sat only for about forty minutes this morning, during which time four demands for supplementary grants were voted down. No speeches were made on behalf of the non-official members of the House. In view of this, as suggested by the President, the Finance Member intimated that he was not going to move the rest of the demands.

## The U. P. Special Powers Bill

**28th. NOVEMBER** :—The U. P. Special Powers Bill was taken into consideration to-day after leave for its second reading was granted. Most of the amendments were pressed to a division, though the Government carried the day by an overwhelming majority in each case. Except the Nationalist party members, those belonging to other parties like the Independent party, the Progressive party and the Democratic party voted with the Government whenever necessary.

The *Finance Member*, in presenting the select committee's report and moving that it be taken into consideration, made a short speech explaining the various improvements made in the bill by the select committee. He said that the bill in its present form was far more in accordance with the wishes of the House than it was in its original shape. *Mr. Chintamani* opposed the motion in a vigorous speech because he considered that the bill even in its amended form remained still highly objectionable and would be a menace to the liberty of the subject. The poison was still there. He was against people enjoying their rights by sufferance of the executive. In his opinion the bill was of such a nature that it was not worthy of consideration by any legislature which cared for constitutional rights.

Only two amendments were accepted by the House. One proposed that the maximum fine to be imposed on instigators should not exceed Rs. 250. This was moved by *Pundit Joti Prasad Upadhyaya*. The next one which was accepted was moved by *Raja Jagannath Baksh Singh*, who said that when any person to whom an arrear of a liability was due might apply to the collector in writing, the latter should recover it as an arrear of land revenue.

**29th. NOVEMBER** :—Two important non-official amendments were carried to-day in the face of Government's opposition in connection with the Bill, and the zemindar members voted mostly against the Government.

**30th. NOVEMBER** :—As a result of yesterday's defeat the Government were more conciliatory in their attitude to-day. The Finance Member was very willing from the outset to meet the wishes of the Opposition members half way when they moved their amendments. There was compromise and adjustment of difference on

both sides. The Finance Member agreed without any demur to the deletion of portions of clause 7. As for the deletion of clause 10 he confessed that he had been converted by the eloquence of the Opposition speakers who preceded him. Coming to the life of the Bill he gave an inkling as to when they could expect the new reforms to come into force. Though the select committee reported that the life of the Bill should be three years, the Finance Member seeing the temper of the House suggested an amendment on the lines adopted by the Bombay Government with regard to a similar measure introduced there. According to this amendment the life of the Bill would be for one year. His proposal was accepted by the House.

Mr. *Ram Bahadur Saxena* initiated the debate on all amendments moved to-day. Every time he spoke he made out a strong case in urging his amendments for the acceptance of the House. Non-official members, especially those belonging to the constitutional party, were glad that all objectionable features of the Bill had gone away. The Bill as it stood in the amended form would affect only those who preached or supported a non-rent campaign.

Mr. *C. Y. Chintamani*, Leader of the Opposition, thanked the Finance Member for the accommodating spirit he had shown, and said that such an attitude of conciliation, far from lowering the prestige of the Government, enhanced it and made even the hardest critics realise that, with proper temper, adjustment of differences of opinion would at any time be far from being impossible.

**1st. DECEMBER :—**The Finance Member moved to-day that the Bill as amended be passed. In doing so he reviewed the whole situation from the time it was introduced in the select committee and pointed out the necessity for such a bill as the Government had received reports about the possible recrudescence of the no-rent campaign after the expiry of the ordinance. He expressed gratitude to the supporters of the Bill. He hoped that the Bill as amended would not be abhorrent to the members. In his opinion law-abiding citizens should have no terror for any law. During the last year nobody suffered any inconvenience on account of the existence of the Ordinance. On the other hand many were oblivious of its existence. He was thanked by different party leaders for his considerateness, reasonableness and accommodating spirit when the Bill was discussed. The Deputy President thought that much of the poison had been taken away, while *Hafiz Muhammad Ibrahim*, who spoke in the absence of Mr. Chintamani, leader of the Opposition, was of a different opinion that the Bill was not acceptable to his party even in its present form. The same view was expressed by *Thakur Hanuman Singh*. *Khan Bahadur Fasihuddin* remarked that the constitutional party of which he was the deputy leader supported the Bill in all its stages because they wanted that peace and order should be preserved in the land. *Rajah Jagannath Baksh Singh* controverted the statement made by *Hafiz Muhammad Ibrahim* that the zemindars were impotent and they wanted the help of the Government to safeguard their rights.

The motion was put and agreed to and the Council then *adjourned sine die*.

# THE B. O. LEGISLATIVE COUNCIL

OPENING DAY—RANCHI, 29th. AUGUST 1932

The autumn session of the Behar and Orissa Legislative Council opened at Ranchi on the 29th. August 1932. At question time, the Government stated that the number of persons arrested in the province since the revival of Civil Disobedience was 9,024, those convicted 8,520. Those undergoing imprisonment at present numbered 2,542.

It was stated that the Government had considered the report of the Orissa Boundary Committee and forwarded their views thereon to the Government of India.

## LOCAL SELF-GOVERNMENT ACT AMEND. BILL.

The Council then proceeded to consider official business which comprised a *Bill to amend the Local Self-Government Act* by substituting road cess for local cess and supplementary demands.

## GOVT. MANAGEMENT OF PRIVATE FORESTS

On behalf of the Reserved side, an important scheme for protection of the private forests in the Ranchi district was placed before the House. The scheme proposed management of private forests by the Government on a lease with the landlords on certain terms. The total area covered by the scheme was 78,000 acres. The Government stressed the necessity of scientific protection of forests, and their importance as a national asset. On the whole the scheme was supported, the dissentients being Mr. Hafiz and Abdul Ghani.

The Council voted the money for the scheme and passed the *Local Self-Government Amendment Bill*.

The Council passed a Government resolution guaranteeing interest on debentures issued by the Provincial Co-operative Bank for strengthening long term resources, provided the total face value of the issue would not exceed Rs. 20 lakhs.

## COMPLAINTS RE. PATNA JAIL.

**30th. AUGUST** :—The Council discussed to-day the Government supplementary demand of Rs. 34,000 for improving hospital and other accommodation in the camp jail at Patna. *Rai Bahadur Dharkanath* opening the discussion complained about the treatment of the political prisoners in the camp jail and said that the accommodation provided for them was not at all suitable. He characterised the jail as a cattle-shed and hoped that the Government would apply the same principle to the jail administration here as was followed by better and civilised Governments. He stated that there was a larger incidence of sickness among the political prisoners in the Patna camp jail than elsewhere in the province. He appreciated the little improvement which had been brought about by Sir Sultan Ahmed's recent visit to jails but that was not all that they wanted. He suggested that opportunities and facilities should be given to non-official members of the Council to visit the jails. Mr. *Godavaris Misra* said that people had appreciated the interest taken by Sir Sultan Ahmed, member in charge of jails, in the welfare of political prisoners. He suggested that either the Patna camp jail should be converted into a regular jail with suitable accommodation for political prisoners or abolished altogether. Mr. *Bimla Charan Singh* thought that the jails should be homes of terror and punishment and not comfortable places because they could not hope to correct wrong-doers by such generous considerations. *Babu Rajanahari Sinha* suggested improvement of hospital accommodation with a view to preventing sickness among the prison population. Mr. *Kalyan Singh* twitted Mr. Bimla Charan for what he called his ungenerous tirade against the political prisoners who were suffering for their honest political convictions whether right or wrong. Mr. *Davis*, judicial secretary, stated that they were doing all that was possible to provide conveniences for the political prisoners. The member in charge of jails had recently paid a surprise visit to the camp jail at Patna and satisfied himself that the complaints were not justified. The inspector-general of prisons had received a letter from Maulvi Abdul Bari, one of the provincial Congress dictators, who was lodged in the Patna camp jail, stating that the jail

authorities were doing all that was possible for his medical treatment and he was getting the diet of Horlicks Malted milk and orange juice and of his own choice he wanted to be admitted to the Patna General Hospital for treatment.

The demand was voted by the Council.

#### LOCAL SELF-GOVERNMENT AMENDMENT BILL.

**31st AUGUST** :—The Council had a short sitting to-day when non-official legislative business was transacted. Three new bills, including one to amend the tenancy legislation by Mr. Shyammandan Sahay not being introduced, the only bill on the order paper which was discussed was the *Local Self-Government Amendment Bill* by Mr. *Satis Chandra Sinha*, who moved its reference to a select committee. He explained that the main provisions of the Bill were to reduce the period of excusable absence of members of local bodies from meetings from six to four consecutive meetings, permission for such absence to be taken from the local body concerned instead of the chairman as at present and to co-opt qualified persons who were not members of such bodies to work on the finance committees of local bodies. He thought that with increasing responsibility of local authorities the absence of members of local bodies from meetings should not be allowed to suffer owing to the absence of members.

*Sir Ganesh Dutt Singh*, Minister for Local Self-Government, explaining the attitude of the Government stated that the Government would be neutral and leave the question of legislation to be decided among the members themselves. Messrs. *Srinarayun Maitha*, *Rajendhara Singh*, *Lakshmidhar Mahanti* and *Mahomed Hussain* strongly opposed legislation as in their opinion no case had been made out for its acceptance. Meetings of local bodies were largely attended by members who were taking a keen interest in the affairs of these bodies and there was hardly any instance in which the work had suffered owing to the absence of members. *Maulvi Abdul Ghani* supported the bill. The motion for reference of the bill to a select committee was rejected by 48 votes to 9.

#### ADDITIONAL POLICE IN MONGHYR

**1st. SEPTEMBER** :—The Council adopted a resolution to-day urging the withdrawal of the additional police force quartered in certain parts of Monghyr District. The House was full, and the public galleries were packed when Mr. *Srikrishna Prasad* moved for the withdrawal of the additional police from Barbigba and Tarapur areas in Monghyr District. He said that the object of the Government in quartering additional police in those areas had been served, as quiet and peace had been restored and there was no justification now for retaining the police there. The strength of the Government lay in the contentment of the people, and it was time the Government rallied round the forces of goodwill.

No fewer than half-a-dozen non-official members, including Mr. *Sachchidananda Sinha*, Mr. *Dwarkanath*, Mr. *Bishan Dew*, Mr. *Narayan Singh*, Mr. *Hafiz* and Mr. *Bhagwati Saran Singh*, supported the resolution. The hon. Mr. J. T. Whitty, on behalf of the Government, maintained that no cause had been shown for the withdrawal of the police. The securing of law and order was an essential duty of the Government and as Member in charge of Law and Order, he expected support in his effort to maintain order. In the matter of law and order they could not take risks. They should not be influenced by sentimental appeals.

The resolution was carried by 40 votes against 35.

#### FINANCES OF AUTONOMOUS BIHAR

*Rai Bahadur Lachmi Prasad Sinha* next moved a resolution regarding the exemption of the province from income-tax proceeds. Under the Percy Committee report the province would get a financial settlement by which it would have a bare surplus of two lakhs. With this precarious margin the province was to satisfy its future needs and take its rightful place among the autonomous provinces. Bihar, with its rich mineral resources, and paying 1 crore salt tax, and 9 crores of Customs and Excise duties to Central Government was not a poor land, but poverty was imposed upon her. The members strongly held that no more paraphernalia of political institutions would help to make the people contented and happy. The prominent speakers were Mr. *Sachchidananda Sinha*, Mr. *Dwarkanath*, Mr. *Hafiz* and Mr. *Godawari Misra*.

*Sir Sultan Ahmed*, Finance Member, said that it would be a matter of grave anxiety to the people of the province, if the new Government responsible to the

wishes of the legislature, be called upon to start work with such inadequate resources that it would be immediately faced with the alternative of retracting all the progress made in the beneficent departments or effecting such a great reduction in the departments which formed the framework of the administration as would endanger the whole fabric of Government.

The resolution was unanimously passed, as stated above.

#### PROTECTION TO SUGARCANE INDUSTRY

**2nd. SEPTEMBER** :—The Council discussed two resolutions to-day, one demanding protection of the interest of sugarcane growers and another urging the immediate constitution of a separate Orissa province.

The first resolution was moved by Mr. *Mahomed Shafi* who contended that the sugar industry was benefitting only the mill-owners (and cane-growers were losing and suggested as a measure of protection the fixation of the minimum price of sugarcane by the mill-owners. Mr. *Meyrie*, Mr. *Saghirul Haq* and others supported the resolution and *Mr. C. L. Ives* suggested legislation for fixing the minimum rate. Prior to it, the revenue secretary on behalf of the Government, said that there was no reason for interference by the Government in the ordinary rules of supply and demand. The only solution suggested by the Tariff Board to absorb the increased output of cane was the establishment of new mills. The resolution was ultimately withdrawn.

#### SEPARATE ORISSA PROVINCE URGED

*Rai Bahadur Lakshmidhar Mahanti* next moved a resolution urging the immediate constitution of a separate Orissa province. He gave a detailed history of the Orissa movement for separation and contended that the financial question presented no such difficulty as was made to appear. All the Orissa members strongly supported the resolution. The hon. Mr. *Whitty*, on behalf of the Government, welcomed the discussion and announced that the Government would take no part in voting.

The Bihar members led by Mr. *Sachchidananda Sinha*, extending support to the demand of a separate Orissa province, stated that so far as Singhbhum was concerned it was now a closed chapter and would continue to form a part of Bihar and it was very unlikely that either the Government of India or the Secretary of State would go beyond the recommendation of the O'Donnell Committee in the matter. The resolution was unanimously passed by the non-official members.

#### DEMAND FOR FULL PROVINCIAL AUTONOMY

**3rd. SEPTEMBER** :—The major part of to-day's meeting of the Council was monopolised by a discussion on *Rai Bahadur Lachhmi Prasad Sinha's* resolution moved yesterday demanding a full measure of provincial autonomy with responsibility at the centre without further delay to allay discontent and remove uncertainty regarding the future. The mover pleaded for rallying the forces of good-will in the country and proceeding ahead in constitution-making in a manner which would secure the satisfaction of all progressive parties. He added that delay and suspense were giving rise to discontent and provincial autonomy without simultaneous or almost simultaneous responsibility at the centre would not be acceptable to a large section of politically minded people.

The hon. Mr. *Whitty*, explaining the attitude of the Government, stated that they would not participate in the debate nor in voting but would welcome any suggestions made by the members and would forward the proceedings to the Government of India.

The resolution was accorded support from all sections of the house, the prominent speakers being Messrs. *Sachchidananda Sinha*, *Srikrishna Prasad*, *S. M. Haifir*, *Dwarkanath*, *Bhagywati Saran Singh* and *Lakshmidhar Mahanti*.

Mr. *Sachchidananda Sinha*, replying to the suggestion that delay was due to the Indian side, stated that they were not going to have imposed constitutions but an agreed constitution. Sir Samuel Hoare was responsible for the delay by changing the procedure. He would not mind a hundred Round Table Conference until they obtained an agreed constitution.

Messrs. *Dwarkanath* and *Srikrishna Prasad* opined that without full measure of responsibility at the centre, provincial autonomy would be mockery and a delusion. Ordinances alone would not help to remove the reason but what was required was to remove the underlying causes thereof by conferring real responsibility, both pro-

vincial and central. *Khan Bahadur Yehya* said that they were themselves responsible for the delay by not coming to an agreement among themselves on the communal problem and when there was going to be no end to Round Table Conferences of their own asking, how could they lay responsibility for the delay on the Government? *Mr. Mahomed Shafi* asked for a federal type of constitution for British India alone with autonomous provinces and one-third representation of Moslems at the centre.

The resolution was passed unanimously by nonofficial members.

After discussing two more resolutions, one regarding increased admissions to the Darbhanga Medical School and another claiming the right of election of non-official chairmen for district boards in the Chota Nagpur division which were ultimately withdrawn, the Council was *prorogued*.

## THE BURMA LEGISLATIVE COUNCIL

OPENING DAY—RANGOON, 8th. AUGUST 1932

The Burma Legislative Council commenced its last session at Rangoon on the 8th. August 1932 prior to the general election. Several Bills were passed, one of which reduced the cigarette duty.

The Bill to provide for compulsory vernacular education in specified areas was circulated for eliciting public opinion.

The Finance Member presented the Finance Committee's Report regarding the financial settlement on the separation of Burma from India, which opined that the points of difference should be referred to a tribunal for arbitration at as early a date as possible.

Replying to *Sir DeGlanville's* short notice question *Mr. Lloyd*, Leader of the House, informed the member that the Government intended to dissolve the Council at the end of the month, and had provisionally fixed the general election to take place on the 24th. October and that the new Council was expected to sit on the 31st November.

An adjournment motion was moved by *U. Kya Gaing* to consider the flood situation and the relief measures. It was talked out. Non-officials asked for relief to the distressed and urged that preventive measures should be taken.

The Commissioner Pegu Division, detailed the extent of the floods and the relief measures undertaken, assuring the House that the Government were doing whatever was necessary and possible in the matter.

The Finance Member was replying to the debate when the House adjourned.

### FUNDS FOR HOSPITALS BY LOTTERIES

8th. & 10th. AUGUST :—Non-official business was transacted in the Council for these two days. An interesting resolution was carried by 33 against 31 votes, despite Government opposition, recommending to the Government to raise funds by way of lotteries or premium bonds, as was done in Ireland, with a view to helping the agriculturists financially and the local bodies with pecuniary assistance for carrying out works of public utility namely, construction of hospitals and the carrying out of health projects, etc.

The Judicial Secretary, opposing the resolution, remarked that the Government sympathised with the mover's object, but objected to the resolution on principle. According to orthodox Buddhists, raising of money by lotteries was sinful. Referring to the Irish sweepstake, he said it was an extremely expensive way of raising money. Besides, it would have a demoralising effect on the people, who would be encouraged to gamble, instancing in this connection the State lotteries and their evil effects during the times of the Burmese Kings.

The Finance Member, explaining the difficulties of raising premium bonds, remarked that such an action would impair Burma's credit.

The Home Member, *U. Ba*, said that betting on horses was an evil. Such a resolution would only add to the existing evil, and thus encourage gambling, leading

to more crime. He pointed out that many of the murders in Burma were due to quarrels over gambling.

**11th. AUGUST :—**The Council concluded its last session to-day. Before the proceedings started Mr. Lloyd, Leader of the House, referring to the late Sir Lee Ah Yain, Forest Minister, paid eloquent tributes to him, and moved the Council to place on record their deep sense of sorrow at the loss sustained by the country by his death and express sympathy to his widow and family.

After several members had spoken, the House carried the motion, all standing.

The House then passed several additional grants and the Public Accounts Committee's Report.

When the business concluded, the Leader of the House, on behalf of all members, expressed his appreciation of the President's wise chairmanship over the deliberations of the Council, and asked for the privilege of shaking hands with him before they parted.

The President thanked the Leader and all the members for their co-operation and their appreciation. The members then shook hands with the President, after which the Council was *prorogued*.

### New Session—Rangoon, 6th. December 1932

The new session\* of the Council commenced at Rangoon on the 6th December 1932. It transacted a few official business on the 10th. DECEMBER and then adjourned till the 12th. DECEMBER to discuss the various motions on the issue of separation and conditional federation tabled by both the Separationist and the Anti-Separationist. Of these six motions, four were by Anti-separationists and two by Separationists. The Anti-separationists unanimously rejected the Premier's constitution and urged the Government to hold a conference to discuss the future constitution as also the conditions of entering the federation. The Separationists' motions included one by Mr. Tun Pe and another by Mr. Ba Pe, leader of the People's party.

After the President, U. Chit Hlaing, had read out the day's agenda containing six motions, one Anti-Separationist member enquired whether the House was in order to discuss those motions. Dr. Ba Yin, ex-Minister, quoting the Premier's declaration observed that those motions were not in order. The Finance Member objected to Dr. Ba Yin's statement for ruling out all motions remarking that Dr. Ba Yin was asking the Council to cut its own throat.

Mr. S. Soe Nyun, member of the People's party, supporting the leader of the House, said the country was undecided against separation and even if the country had done so the Council still could discuss these motions.

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\*Commenting on this the Rangoon correspondent of the "Hindu" wrote the following under date December 9 :—

"The present session of the Burma Legislative Council is remarkable in more ways than one. Apart from the issue of Burma's future which has aroused keen and lively public interests, there are other novel features that render it memorable. This is the first session in the history of the Council, when it functions without Ministers, the Executive having taken over the Ministerial portfolios due to the refusal of the non-official parties to form a Ministry. Contrary to expectation, His Excellency the Governor did not address the Council on the opening day. In the person of Daw Hnin Mya, the talented sister of U Chit Hlaing, we have for the first time a woman member in the Council.

"Perhaps the most remarkable event is the unanimous election of U Chit Hlaing, the leader of the Shit Hlaing G. C. B. A. to the presidentship of the Council. The election has been well received as evidenced by the tributes paid to him by the party leaders and the Press.

"The Council is more representative than any of its predecessors, as it has received the co-operation of parties and individuals who had till lately adhered to a policy of boycott. The Indian strength of the Council has been further increased by three nominations. By the nomination of Mr. Vellayan Chettiar, the Chettiar community has for the first time received representation which it so well deserved by reason of its vast economic interests in the country. This nomination has been welcomed by all sections of the public."



The President then gave a ruling that all the motions, excepting that by U. Tun Pe were out of order, as according to the rules those motions could not be treated as resolutions nor as amendments as they negatived the original resolution.

The House then adjourned for a short while to enable the members to discuss the matter in view of the new situation.

When the Council resumed its sitting, Sir DeGlanville on behalf of U. Tun Pe informed the House that the mover did not desire to move his resolution, whereupon the Finance Member asked the President to adjourn the House till the next day to enable the members to consider the situation and table fresh motions if they so desired. After taking the sense of the House as proposed by Sir Joseph Maung Gyi, the President asked the members to put in motions by 4 p. m. and adjourned the Council.

#### Censure Motion against President

**13th. DECEMBER:**—In a tense atmosphere the Council met to-day to consider the censure motion tabled by Sir Joseph Maung Gyi and the Finance Member and after a full day's debate the House carried by a large majority the motion for the removal of the President.

After U. Chit Hlaing, President, took his seat, Sir Maung Gyi moved: 'The Council resolves that U. Chit Hlaing, President, be removed from the office and the consent of His Excellency be obtained.'

The President asked the House whether the motion be taken at once or later, and the House divided deciding immediate discussion of the motion by 69 votes against 29. The President to clear his position in a statement said that it had never been his intention to stifle any motion and felt justified in coming to the decision as he wanted the narrow issue expressed by the Premier on separation. He said he would be the last person to fill the Chair with any personal motive. His desire to remain outside the Council was well-known, but he took the Chair being asked by the members to do so. U. Chit Hlaing then vacated and U. Saw Pe Tha, deputy President, took the Chair.

In moving for the removal of the President U. Chit Hlaing from office, Sir Joseph Maung Gyi said that, according to the Premier's statement, the question for Burma's consideration was Separation or Federation. The country had elected members on that issue. The result of the election showed that non-separation was supported by a large majority. The speaker proposed U. Chit Hlaing for the presidency, on the 6th December.

The only motion filed on the 6th instant was by U. Tun Pe for the separation of Burma, and the granting of the constitution outlined by the Premier. The Leader of the House gave his consent to the motion, and the President agreed to the suggestion to adjourn the discussion till Monday. Meanwhile, several motions were tabled by the various members and admitted, the Home Member consenting. The speaker interviewed the President. All along, the President knew of the existence of those motions. On Monday, when the Council met, one member raised a point of order, pointing out that it was unnecessary to discuss the motions, as the country had already given its verdict. Thereupon, the President stood up, and whipped out like lightning, a piece of paper from his pocket—typewritten paper—and read out the contents. The speaker contended that it was a document prepared several days before, and in the speaker's opinion, the point of order and the President's reply were exactly on all fours with each other. The President ruled out all motions excepting U. Tun Pe's, which was a straight motion regarding separation.

U. Chit Hlaing had, after his election to the chair, declared that he would be above party politics, just to all members and parties. After the President's ruling, the House suspended its sitting, and the Leader of the House interviewed the President to persuade him to revise his ruling, but the President declined, and did not give the House any guidance. The members, apprised of the President's attitude, felt exceedingly indignant, and fifty-one members signed a motion for the removal of the President. The Finance Member also tabled a similar motion, but both the motions were not placed on the day's agenda. Therefore, the speaker charged Mr. U. Chit Hlaing with insulting the House, and treating the members with contempt by not putting the two censure motions on the agenda. Sir Joseph charged the President with breaking the promise to be above party politics, and acting in a manner unworthy of one holding the office of the President and also with perversely interpreting the Council's rules and standing orders. He further charged the Presi-

dent with suppression of the freedom of speech by stifling all motions. Concluding, Sir Joseph said that U Chit Hlaing had treated the members with contempt. They were willing to attribute many things to thoughtlessness, inexperience and want of knowledge of the rules and regulations of the House, but from the facts narrated, he could not, for a moment, believe that anything the President did on the previous day, was done with honest intentions. They were done perversely with dishonest intentions.

The Finance Member, *Mr. Couper*, supporting the censure motion, said that the question for the Council was a narrow one, and that was whether the President's decision was that of a fair-minded man. As he thought that the ruling, on the face of it, was designed to stifle discussion, the speaker convened a meeting of the party leaders and approached the President and represented to him the desire, that the House should have a full discussion, and asked him to help them. But the President replied that it was no business of his. In giving his ruling, the President remarked that the motions tabled were resolutions, and therefore out of order, because due notice had not been given. But if the President had looked into the Council proceedings and had consulted official advisers, he would have been advised of the difference between motions and resolutions. The President's second reason was that if the motions were treated as amendments, they were admissible, but such amendments were not admissible, as they negatived the original motion. The speaker submitted that it was not the correct view. The motions before the House were positive proposals, and could not be considered as blank negatives.

Dealing with the President's past history the speaker said that it was well-known that for many years, the President belonged to a party which stood outside the Council. A few years ago that party entered the Council with the avowed intention of wrecking it. It would be also remembered that the party stood for unconditional Federation. By treating the motions in the way he did, the President was giving, or attempting to give, his party considerable advantage because, if the only issue before the Council was unconditional separation and that motion was defeated, it would have been construed as a definite decision for unconditional Federation. Therefore, the speaker came to the conclusion that the President's ruling was not a decision which a fair-minded man could arrive at.

As regards the motive, two or three could be suggested. One was corruption which the speaker left out. The second was perversity, which he did not stress, and the third was intolerance. The Finance Member submitted that the President, by his long political history, was blinded by party prejudice. Where the advantage of his party and service and loyalty to the Council came into conflict, they could not reasonably hope that the President's duty to the Council would override his loyalty and feelings to his party. Once that was granted, there was no course open to the Council, but remove the President from his office. It was a very grave decision, but he tried to obtain a compromise whereby the President would revise his ruling, but he failed and as a consequence, the members felt that they would not get fairplay from the President.

The motion was supported by a few members of *Dr. Ba Maw's* party and the People's Party, but was opposed by members of *Mr. U. Chit Hlaing's* party and two Indians. The opposers justified the President's ruling, pointing out that there was nothing extraordinary in the President's reading out a ruling, which showed that *Mr. Chit Hlaing* had given careful consideration to the question. The President was honest, just and upright and the accusations were unfounded. The motion was nothing but a move to put out of the way the President, who would not allow them to do as they pleased. One member, opposing the motion, described *Mr. U. Chit Hlaing* as the uncrowned King of Burma, remarking that a mountain was being made of a mole hill, and much had been made of nothing through spite and jealousy against a just President.

The motion was pressed to a division, and carried by 70 votes against 15.

**14th. DECEMBER** :—In the Council to-day, *Saw Pe Tha*, Deputy President, presiding, read out His Excellency's message concurring with the motion about the removal of *Mr. U. Chit Hlaing*, the President, from office.

Sixteen motions on the issue of Separation and conditional entry into Indian Federation, were tabled to-day by three Separationist and thirteen Anti-Separationist members.

#### ELECTION OF NEW PRESIDENT

**16th. DECEMBER** :—The election of the new President took place to-day with

the Deputy President in the chair. Of the four candidates nominated, *Doelot Ba Yin*, ex-Minister, withdrew, and a ballot for the remaining three resulted as follows:—*Sir Oscar De Glanville* 57 votes; *Mr. C. H. Campagne* 15 votes and *U. Ba Shwe* (Anti Separationist) 13 votes.

*Sir Oscar De Glanville* was declared elected as the President. *Sir Oscar*, who was a delegate to the Round Table Conference, was formerly President during the second term of the Council, holding the office for two years from 1927 to 29.

When the Council resumed its sitting in the afternoon, the Deputy President read out the Governor's message approving of the election of the President. *Sir Oscar De Glanville* then occupied the chair and was congratulated by the Finance Member on behalf of himself and all the party leaders.

#### MR. CHIT HLAING'S STATEMENT

*Mr. Chit Hlaing*, ex-President, then offered a personal explanation refuting the charges made against him on the 13th. The statement that he had admitted all the motions, but subsequently rejected them, was untrue, as also the insinuation that he had foreknowledge of the point of order. The ruling he gave was written by himself. He had rejected the motions tabled by his own party. He added that he was not actuated by bad motives. Regarding the charge by the Finance Member, that he was blinded by his past political career, *Mr. Chit Hlaing* pointed out that he was connected with the General Council of the Burmese Association which boycotted the Council, but when he came in, he decided to co-operate with the Government. He refuted the statement that his party stood for unconditional entry into Federation but said that they would favour separation if they got what they wanted.

#### Resolutions on Burma's Separation\*

Of the sixteen motions (of which three were identical), tabled previously, only five motions, one by a Separationist and the rest by Anti-Separationist, were admitted for discussion.

*U. Tha Gyaw*, Anti-Separationist, moving the first motion opposed separation on the basis of the constitution outlined by the Premier, as also unconditional and perpetual entry into Federation, adding that the Council would continue to oppose separation until a constitution acceptable to the people was secured. He said that his resolution was in consonance with the G. C. B. A. resolution and asked all true sons of the soil to support it.

\*Regarding the party position in the Council on the Separation issue, the Rangoon correspondent of the "Hindu" wrote the following: "Confusion is the best word to describe the present political situation. Kaleidoscopic changes are taking place in party politics. There is an undue haste exhibited by certain leaders to woo the Separationist and to come to an agreement with them, instead of waiting to see the latter approach them. The uncertainties of the future whether in Federation or Separation, and the absence of any definite and authoritative pronouncement on either, have obstructed clear vision and upset the balance.

"The split in the camp of the "Antis" is ever widening, and at this rate, if something is not done immediately to close up their ranks, their cause as well as their future as a party are at stake. *Dr. Ba Maw* has shifted his original position, and the consequence is that many of the leading lights like, *U Kyaw Myint*, *Dr. Ba Yin* and *Dr. Ba Han*, have resigned from the party. One need not be surprised if the Separationists are able to carry the day in the Council. The action of the *Bu Maw* group in voting for the censure motion against *U Chit Hlaing* has further widened the gulf between the *Hlaing-Myat-Paw* group, and the *Baw Maw* group of "Antis." There is a rumour current that another party of "Antis" may be formed of those who have resigned from the *Maw-Myint-Hye* party, and that *Dr. Ba Yin* may lead it.

*Dr. Ba Yin* (an ex-Minister), speaking at the Y. M. C. A. Hostel, drew a graphic picture of the present political situation and probed into the causes that had brought about the present muddle. In his opinion, the present muddle in Burmese politics was traceable to the absence of connection with India since the second Round Table Conference and the holding of the Burma R. T. C., which was called separately, on the assumption that Burma would be separated. Members of the first delegation did not attend the Indian R. T. C., though invited, under the belief that India was not their concern, quite forgetting the fact that Burma was and was still a province of India. The consequence was that Burma lost touch with India, particularly at a

## FINANCE MEMBER'S STATEMENT

The *Finance Member* then read out His Majesty's Government's statement of policy.

The *Finance Member* said that His Majesty's Government desired him to refer to the following statements of policy :

"Firstly, the Minister's speech at the close of the Burma Round Table Conference on the decision regarding the Separation issue.

"Secondly, the speech by the Secretary of State for India in the House of Commons on the 27th June; and, finally the reply by the Secretary of State to a question in the House of Commons on the 16th November, emphasising that Burma would have no means at her disposal for withdrawing from the Federation."

Continuing, the *Finance Member* said that the position of His Majesty's Government was as follows :

"Firstly, they are perfectly willing to let Burma remain a province in a Federal India, if that is Burma's real wish.

"Secondly, if Burma chooses separation, His Majesty's Government will seek the approval of Parliament for granting her, with the least possible delay, a constitution, as outlined by the Prime Minister, on the basis of which she will be able to pursue her own political development, apart from India, but within the British Empire.

"Thirdly, as regards this constitution, His Majesty's Government have always contemplated that an opportunity should be given to the representatives of Burma to express further their views on the provisions of the constitution outlined before they are finally enacted ;

"Lastly, it must be clearly understood, however, that the statement in which the Prime Minister outlined the constitution, indicates decisions of principle on the main points, beyond which His Majesty's Government are not prepared to go."

The *Finance Member* added that the officials would not take part in the discussion.

*U. Mounq Mounq*, Anti-Separationist, moved the second resolution, opposing separation on the basis of the Premier's scheme. In the event of failure to secure Responsible Government the resolution proposed entry into Federation with the right to secede. The speaker said that if they got as much as India got, there was no necessity to Federate. They must neither separate nor federate blindly. They must have all the conditions before them, before they decided one way or the other. The first consideration was the promotion of the interest of the sons of the soil. They must not antagonise Indians, but do what was best for the country.

The Council then adjourned.

## PEOPLE'S PARTY LEADER'S MOTION

**17th. DECEMBER** :—When the Council resumed its sitting to-day, *U. Bu Pa*, Leader of the people's Party, moved his motion regarding the Separation issue. The motion strongly urged that the British Government should accept the principle of separation of Burma from India, and frame Burma's future constitution in conformity with the policy of the British Government, declared by the Premier on the 19th January at the Indian Round Table Conference, and that the responsibility transferred to popular control should not be inferior in nature and degree to what would

time when the discussion on Federal Constitution was in progress. It was at present most essential that the mutual contacts of the two countries, should be restored. Another cause of the muddle, he said, was the failure of the delegates to abide by the pledge they had taken not to accept any constitution inferior to that offered to India and that on their return from England they would only act after consultation with the country. Refusal to accept office and at the same time agreeing to the routine work of the Council was an absurd theoretical stunt.

"At a garden party given by the Nattukattai Chettiars at Kanbe, Mr. Vellayan Chettiar, M.L.C., said that the strength of the Chetty community in the past lay in their unity and that sense of unity was needed to-day, more than ever, when they, who had a large stake in the country, were passing through a great crisis. While times such as these called for vigilance and alertness, he regretted that his community was exhibiting signs of apathy. The community had hitherto kept clear of politics. All the world over, politics had been put in the forefront of economics, and even an amicable business community like the Chettiars were constrained to take part in politics. At least, he opined, they should have as much politics as would enable them to pursue peacefully their avocations."

finally be granted to India at the centre and in the provinces. The resolution further urged that His Majesty's Government should convene a Conference of representatives of Burmese political opinion for determining the future Constitution.

*U Ba Fe* declared that the Separation question was not a new one. Though he had been a Separationist all along, it was only a couple of years back that the Government changed their view. The speaker repudiated the false fear that Burma after separation, might become a Crown colony. The Constitution outlined by the Premier was superior to that of a crown colony or to dyarchy. All of them were out for freedom. Separation, rather than Federation, would lead them to their desired end. All the members of the House, he said were for separation with the exception of Indians, as Burmans disliked being dominated by others. The speaker then pointed out that all the five motions tabled, with the exception of the one by *U Ba Thein*, were for separation. He said that *U Chit Hlaing*, the leader of *U Ba Thein's* party, had declared the previous day, that he was not a permanent Federationist. So, *U Ba Thein's* motion was that of a rebel from his party. *U Ba Fe* then referred to the resolutions passed by the Anti Separationists, and pointed out that, while these resolutions protested against the acceptance of the Premier's constitution and objected to separation on the basis of it, they also objected to permanently entering the Federation. He declared, therefore, that the Anti-Separationists were in reality Separationists. Dealing with the idea that Burma, as a part of India, would get Home Rule when India got it, *U Ba Fe* said that Burma, being a portion of India, would still remain under Indian Home Rule, for it was the Federation that would get Home Rule, and not the Provincial Governments. Granting that India were to get independence, Burma would only be a Dominion under India. The speaker then analysed the motions tabled, and suggested that Indians, who were out in the province merely for commercial purposes, should remain neutral.

*U Ni* (Independent Separationist) asked the Government whether the British Cabinet would consider the question of the right of secession as contemplated in one of the motions.

The Finance Member replied that yesterday's statement was very clear on the point, and there was nothing to say further.

*Doctor Ba Yin*, ex-Minister, speaking next, said that his mandate was to inform the Government that they wanted to enter the Indian Federation not perpetually, but with the right of secession. He pointed out that a Federation by agreement between the component parts was possible and for that they should enter into negotiations.

#### PRESIDENT ADJOURNS DISCUSSION

As the members wanted to have the Government statement announced by the Finance Member translated into Burmese, the President, after taking the sense of the House, adjourned it till the 19th, when the discussion would be resumed.

According to the President's suggestion, to which the House agreed, the three motions that had been moved would be treated as separate replies to the Premier's speech. After the general debate on the same and the reply to the debate by three movers, each motion would be put to vote separately.

The two motions tabled by the members of *U Chit Hlaing's* party, one recommending conditional entry into Federation, and the other recommending to the Government to accept the country's verdict and invite the representatives of popular opinion to the Indian Round Table Conference were subsequently withdrawn. The decision now lay on the motions moved by *U Tha Graw*, *Ramri Maung Maung*, both Anti-Separationists, and *U Ba Fe*, Separationist.

**19th. DECEMBER** :—General discussion continued on the three motions regarding the Separation question in the Council to-day. Ten members participated in the debate. Three of them, including the representative of the Burmese Chamber of Commerce, supported separation, while four, including one Indian member opposed separation on the basis of the Premier's constitution and preferred Federation with the right of secession, which the Indian member said was not an impossible proposition. Representatives of the Burma Chamber said that they had not decided to record their vote, but they required more information about Finance and Indo-Burmese trade relations. One of them opined, that, at present, in trade matters, Burma's interests were not being properly looked after by India, which had recently imported timber from Bangkok and rice from Saigon.

The *Chettians'* representative emphasised the economic issues and informed the House that he would remain neutral. The Council then adjourned.

**20th. DECEMBER :—**The Council devoted the whole of to-day to further discussion of the Separation question. Six Anti-Separationists and one Separationist participated in the discussion. *U Kyaw Din*, Deputy Leader of Dr. Ba Maw's Party, defining his party's attitude, said that they were Anti-Separationists in the sense that they opposed separation on the Premier's constitution. But it did not mean that they were unconditional Federationists. The Council then adjourned.

**21st. DECEMBER :—**The Council devoted the whole of the day to further discussion of the motions on Separation and Federation issues. Fifteen members participated in the discussion, but as the debate did not conclude, the President suspended the sitting at 6 P. M. till 8 P. M. when the debate was resumed.

During the debate to-day, *Khan Bahadur Chandoo*, representing the Indian Chamber of Commerce, declared that his constituency's policy was one of neutrality. However, he said, his constituency did not believe in separation at the present juncture. He also emphasised that India was a good market for Burma.

*Mr. Venkataswami* (nominated Labour representative) wanted an assurance from the party leaders that Indian labour interests would be safeguarded.

*Mr. Khoo*, the whip of the People's Party, referred to an article in "The Bombay Chronicle" about Congress opinion on the separation question and remarked that the Scindia Company, if Burma was separated, would lose twelve hundred miles of coastal trade. Therefore, the company did not like losing that coast.

*Mr. Penn*, representing the Trades Association, said that his mandate was to remain neutral. He thought that Burma would be better off separation.

*Mr. Campagna*, representing the Anglo-Indian community, said that the question put before the country was an unfair one. The separation cry was first raised by the Indian National Congress, but he reminded the members to consider the future. He said that if they wanted Federation, not only the right of secession, but also other conditions should be laid down. He opined that it was wrong to say that Indians could not speak or vote. They had been elected and had a right to vote. He remarked that if the country had given a verdict for Federation, certainly his community would have preferred it. He concluded by saying that whether there was separation or Federation, racial questions must go away.

*Mr. B. N. Das*, representing the Indians of Bassein, said that by entering the Federation, Burma would get provincial autonomy, under which she could grow and develop and attain full Self-Government. But, if Burma was separated now, she would have to meet many difficulties to reach that goal. Referring to the anti-Indian feeling, he observed that this was aggravated by the present economic troubles in the country.

*U. So Nyun*, member of the People's Party, supporting the Separation cause, said that all Anti-Separationists opposing separation on the basis of the Premier's constitution and also opposing a permanent Federation, were stout defenders of the ideal of the Separationists. After analysing the motions before the House, he said that both the Separationists and the Anti-Separationists wanted a fresh conference to decide the constitutional issue. He then described the dangers of entering the Federation first and then seceding, quoting at length speeches by prominent members in the Legislative Assembly during the last Budget session.

*Dr. Ba Maw*, Leader of the Anti-Separationists Party, then spoke. He regretted that race hatred, which unfortunately still existed in the country, had been introduced into the debate by some speakers. He agreed with Mr. Gandhi that politics should be free from race hatred. The issue put forward by the Premier had created confusion in the country. The Premier, by his diplomacy, had restricted the choice of the people. Hence there was no definite motion in the House for either unconditional Federation or unconditional Separation. The speaker blamed the local Government for not interpreting the real wishes of the people to the British Government.

The speaker wanted to place the country's feelings before the House and thus do his duty to his country and the Empire. The true feeling in the country was opposed to separation on the Premier's constitution and also opposed to unconditional Federation. The people would continue to oppose separation until a constitution acceptable to the Burmese people was secured. That was the plank of his and *U. Chit Hlaing's* election campaign. That was, he said, the Anti-Separationists' policy. Many had attacked the Anti-Separationists saying that they were for unconditional perpetual Federation, thus deliberately giving a different meaning to the word "Anti-Separation." An overwhelming majority of the people did not

know the meaning of the words 'Separation' and 'Anti-Separation'. What those people wanted was responsible government. Every villager talked of Home Rule.

The speaker could not agree to Separation, unless he knew the terms. Separation or Federation was a secondary consideration. The primary consideration was the constitution. The speaker controverted Mr. Campagnac's statement that they were bargaining, and said that they wanted something infinitely better than that which was offered to them. If that was not possible, they were willing to enter the Federation on certain terms and conditions, which would be better both for India and Burma. Burma could not be pushed into the Federation without any conditions. They were anxious to create a common bond, which would be of mutual benefit to both the countries. The Finance Member's statement that there would be no right of secession was purposely made for influencing the debate. He denied that the British Government had any right to interfere in the mutual arrangements entered into by both the countries.

Mr. Tyahyi declared his neutrality, following Mr. Gandhi's advice, and gave export and import figures relating to the Indo-Burmese trade, to prove its importance and advantages to Burma.

U. Maung Gye, ex-Education Minister, said that it was untrue that he supported separation because he hated Indians. Separation was an old question, and the people desired to separate from India.

U. Kya Gaing, member, People's Party, said that he fully believed that if they separated from India and presented a united front they could obtain Responsible Government.

U. Ba Tin and U. Thi (both Anti-Separationists) opposed unconditional separation. The latter spoke about the anti-Indian propaganda carried out by a member of the People's Party, and asked the Leader of the Party to take note of it.

U. Ba Thin, a member of the People's Party, accused Indians of taking part in the separation issue in spite of Mr. Gandhi's advice. He called them traitors who intended to keep Burmans in bondage perpetually. He predicted that the consequences would be more serious than the last rebellion, if Burma federated.

U. Choon Fong (Independent, Chinese member) thought that Federation was impossible unless the country was prepared to pay a heavy price for the same. He strongly advocated separation.

U. San Shwe Bu said that the Arakans desired separation from India, unconditionally and immediately. Their past experience had shown that the Indian connection stood in the way of Burma's prosperity.

L. C. Khoo, Separationist, observed that when the British conquered Burma and annexed it to India, Burma was never consulted. So it was for the British Government now to restore Burma to its former place. There was no use of asking for the people's opinion.

As it was 1.45 a.m. the President adjourned the Council.

**22nd. DECEMBER** :—*Daw Nin Mya*, sister of U. Chit Hlaing, the only lady member in the House, rising amidst applause, delivered her maiden speech to-day. She spoke against separation. She thought that Burma would be better off by federating with India. She had no faith in Britain's promise, that after separation Burma would reach her desired goal. She emphasised that Burma would suffer in many respects by disunion with India. She strongly refuted the Separationists' statement that Indians financed the Anti-Separationist campaign. The Anti-separationists fought their election at their own expense. Concluding, she said that if the Government separated Burma from India, she, like Rev. Ottama, would go round preaching against the Government attitude and would not care if the Government imprisoned her.

U. Zaw Ba Thein, a prominent Anti-separationist, in a vehement speech, said that Burma's present political advance was all due to her connection with India. Therefore, they must enter the Federation, but on condition that if later it was found that such an association retarded the country's progress, they could secede. Quoting at length the Simon Report, he pointed out the importance of the Indian market to Burma's trade, and said that Burma's development was greatly due to Indian capital and labour.

G. P. Khin Maung, an old member of U. Chit Hlaing's party, tracing Burma's political development, referred to the G. C. B. A's past activities and the Burma Round Table Conference, and said the Separationists and Anti-Separationists both wanted Home Rule but they differed in regard to the path for attaining the end.

The British Government had erred in the past by assuming that all Burmans desired separation. Now they were disillusioned. He instanced in this connection Lord Peel's remarks in the Burma Round Table Conference. Proceeding, the speaker said that the European Chamber desired separation, because the protection given to the Indian steel industry greatly affected them. The Burma Government and the European Chamber both wanted separation, and the People's Party joined issue with them. Concluding, he observed that many members, who were returned on the Anti-separationist ticket, had changed their attitude, and he did not know what made them do so.

The next speaker, U *Myat Thay Dun* (Promer), regretted the split in the Anti-Separationist camp, and asked them not to change their front, but to be true to their creed and promise. The speaker said it was untrue to say that they wanted Federation, because they loved Indians and hated Britishers.

U *Ba Shawe* repudiated the statement made by the People's Party that Anti-Separationists obtained votes through the influence of the Phonygis. The speaker admitted that the Separation cry had existed in the country before, but fresh political developments demanded a change in the policy and they should oppose separation. He concluded by appealing to the members for unity.

U *Thu Ta*, of the Chit Hlaing Party, asked the members to speak and act according to the wishes of the electorate. The issue had been plainly put in the villages of his constituency.

U *Chit Hlaing*, who spoke next, said that he was one of the twelve delegates, including both Separationists and Anti-Separationists sent to the Burma Round Table Conference, but on return he also stood against separation, because he felt that the Premier's constitution fell far short of the country's expectations. It was he who had suggested to the Premier that the people of the country should be consulted. U *Ba Pe*, leader of the People's Party, on previous occasions, had told the Premier and others that the whole country favoured separation, and Britishers accepted his version. But, after hearing the speaker, even Lord Peel admitted that his impression, that the whole of Burma was for separation, was erroneous. Continuing, U *Chit Hlaing* said that the issue before the country was a straight one, Separation or Federation. When the Council met, U *Tun Pe's* motion was the only one tabled, and that was for separation on the Premier's constitution. Subsequently, several other motions were tabled, attaching various conditions to Separation and Federation. The speaker said that, on a perusal of the statement made by the Finance Member, he found nothing new therein. They were asking for a better constitution than the one offered, but up till now they heard nothing from the Government about that demand. He characterised all the amendments to the motion now under discussion as *ultra vires*, as they afforded no answer to the Premier's straight question. He said he was ready to separate if he got a better constitution than the one afforded.

The speaker had not finished his speech, when the President adjourned the sitting till 7-30 p.m. to enable the members to attend the departure of Sir Charles Innes, the retiring Governor, and Lady Innes.

The Council resumed its sittings at 7-30 p. m.

U *Chit Hlaing*, continuing his speech, said that none in the House, not even U *Ba Pe* wanted separation on the Premier's constitution. The speaker was not a perpetual Federationist, and had declared so at the Burma Round Table Conference. He was glad to see that all sections in the House had declared their disapproval of the Premier's scheme.

U *Tha Gyaw* refused to accept U *Ramri Maung's* amendment to this motion, which opposed separation on the Premier's constitution, and also opposed unconditional and perpetual Federation.

U *Ramri Maung Maung*, replying, said that his amendment—which opposed separation unless Burma was granted more powers or in the alternative proposed conditional entry into Federation—if added to Tha Gyaw's motion, would put forward constructive suggestions for the British Government's consideration. He said that the negative answer, given by Tha Gyaw's motion, would lead them nowhere. They must say in plain words what they wanted.

J. *Ba Pe*, Leader of the People's Party, who, on previous occasions, had successfully piloted through the old Council motions advocating Separation, and who moved a similar motion in the present session, asking the British Government to accept the principle of separation, said that Burma could never get Home Rule if she remained a part of India.

The amendment of U. *Ba Shawe* (Anti-Separationist) to U. *Thaw Gyaw's* motion,



that Burma should enter the Federation with the right of secession, was put first before the House, and declared lost by 51 votes against 27.

#### COUNCIL'S DECISION

*U Sha Gyaw's motion*, as amended by Ramri Maung Maung, was then put to the House and declared carried without a division amidst applause.

This amended motion recommends to the Council to oppose separation on the basis of the Premier's constitution, as also, unconditional and permanent Federation. It further recommends to the Council to continue to oppose separation until Burma is granted a constitution on better terms or in the alternative, proposes Burma's entry into the Indian Federation on conditions, including the right of secession.

The resolution also requests the Government to convene a conference at an early date to determine Burma's future constitution on the defined terms.

#### MR. BA PE'S MOTION REJECTED

*U. Ba Pe* sought the permission of the House, to withdraw his motion which asked the British Government to accept the principle, that Burma should be separated from India and to frame the future constitution in the event of separation on better terms. It also urged the Government to convene forthwith a representative conference to determine the constitution on the defined basis.

The President put the motion to vote and it was defeated by 44 against 33 votes, amidst applause from the Anti-separationist section. Six remained neutral. Officials did not take part in the debate, and remained neutral in respect of all the motions.

The Council devoted six days and two nights to this momentous question and came to a conclusion at 1-40 a. m. to-day. The Council then adjourned to the 9th. January 1932.

## THE PUNJAB LEGISLATIVE COUNCIL

OPENING DAY—LAHORE, 7th. NOVEMBER 1932

#### "WALK-OUT" IN COUNCIL

The winter session of the Punjab Legislative Council commenced at Lahore on the 7th. November 1932. After interpellations, *Raja Narendranath* stood up to make a statement. *Sir Shahabuddin*, the President, asked the Raja Sahib to sit down, as there was no motion in his name on the agenda. Thereupon, the elected Sikh and Hindu members walked out in a body. They subsequently issued to the Press the statement which Raja Narendranath wanted to make in the House. The statement contained a protest against the Premier's Award.

Of the thirty-five elected Hindus and Sikhs, twelve did not participate in the walk out. The latter included Mr. Bansi (Congressman) elected from the Lahore City. Of the twelve who did not join the walk-out, ten did not attend the day's session. The following is the text of the statement issued:—

#### PROTEST AGAINST COMMUNAL AWARD

"Our communities have expressed their dissatisfaction at the Communal Award in the Press and from a thousand platforms. We, who represent nearly 45 per cent of the population of the Punjab, take this first opportunity offered to us to place on record our emphatic protest against the Communal Decision. We condemn it because: (1)—It divides the people of the Punjab into separate communal groups, thus preventing the growth of nationality and the formation of an impartial Government. (2) It places one religious community in a permanent majority, and gives it more than it asked for. The Sikhs in the Punjab have not been given the same weightage as the minorities in other provinces, and the Hindus have not been given the representation to which they are entitled on even their population basis. (3) In the awarding of weightage, it makes invidious distinctions between the various communities. (4) While in the other provinces, it is the minorities who have been given protection through a separate electorate, in the Punjab it is the majority community

which has been given protection through separate electorate, thus depriving other communities from having any voice in the election of candidates and the selection of the Government.

"We consider the communal decision most inequitable, as it places a single community, with a small advantage in population, in a position of permanent domination over communities which have vested interests in the province, and contribute the bulk of the revenues of the province. As a protest against the decision, we have decided to abstain from participating except on special occasions in the debates of the Council. We wish, however, to add that the decision will be rescinded if there is an agreed settlement based on well-established democratic principles.

"We do not, for the present, call upon the Minister and the Deputy President to join us in this action."

### The Punjab Criminal Law Amendment Bill

After the walk-out, *Sir Henry Craik* moved the *Punjab Criminal Law Amendment Bill*, which gives special powers to the Punjab Government, in addition to those which would be given by a similar Bill, which was before the Assembly. *Sir Henry Craik* said that the future Government in the Punjab would be confronted by revolutionary, communist, terrorist and other movements. Those would be very unscrupulous in their methods. In order to maintain law and order in those circumstances, the Government must possess special powers. At present, Punjab terrorists were better led, organised and equipped than they were at any other time within the past two years. *Sir Henry* enumerated the acts of terrorism within the past ten months, including the armed dacoity in Lahore, the arrest of armed gangs at Jhelum and Amritsar and the bomb outrage at Ludhiana. Within the last few days, seditious literature was freely distributed in Lahore. One such poster incited the people to set fire to police stations, burn railway stations, and shoot or stab Britishers. Finally, *Sir Henry Craik* said that the powers sought to be obtained by the Bill should not frighten the law-abiding citizens.

*Mr. Alladad Khan* said that no Bill could kill terrorism. There was no civil disobedience movement in the province to necessitate such a measure.

A motion for circulation of the measure was rejected.

*Mr. Chhoturam*, speaking for the National Unionist Party said that they would give their assent to the Bill only when it was improved in the select committee.

*Mr. Sadiq Hussain* argued that the powers contained in the Bill were so vast that a police officer could arrest even the members of the Governor's Executive Council and keep them in lock-up for a month without any appeal. Then, what could be the fate of the ordinary citizens?

*Mr. Lakh Chand* (nominated member) narrated acts of "intimidation" by the Congress in Amritsar. People were harassed to such an extent that they had to leave the city in order to take shelter in other cities and the States. A shop-keeper, he said, had paid more than a lakh as fine to the Congress. Such a state of affairs could not be tolerated by any Government.

The motion to refer the Bill to a Select Committee was passed.

**8th. NOVEMBER :—**So intense was the feeling among the Muslim members of the Council against the walk-out of the Hindus and Sikhs that *supplementary demands* made by two non-Muslim Ministers were completely thrown out on the ground that Ministers who had allowed their party to deliberately secede from the Council had no right to exist. They opposed these demands to demonstrate against carrying on the administration by the two non-Muslim Ministers who, according to them, were rank communists and were acting in a manner prejudicial to Muslim community.

*Mr. Din Muhammad*, the principal spokesman of the party, said that the Hindu and Sikh Ministers were conducting their departments in a manner detrimental to Muslim interests. The Hindu Minister had called the Premier's Award as a 'cup of poison,' yet he continued to draw Rs. 5,000 monthly from the Government, whose head was the Premier. He asked the Hindu and Sikh Ministers why they had not resigned with the walk-out of their supporters, which was the only proper course.

*Doctor Gokulchand Narang*, the Hindu Minister, said that he still condemned the Communal Award with all the emphasis at his command. If that award were included in the Government of India Act he would not have been on the Ministerial Bench

"I would not work out that award. If you come to an honourable settlement, then you will get my co-operation. On the lines mentioned in the award even if you get 56 or 70 per cent representation you will not be able to run the Government in the Punjab. All sense of justice has been lost to British in taking this step of award. The British Parliament will realise the mistake committed by the Premier. We are here in a Government not based on the award and with instructions from our parties to remain in office. I tried to do justice to you (meaning Muslims) but you wanted concessions and favours (cries of no, no). When I took up my portfolio I suggested that instead of working the portfolios on a singular responsibility and thus favouring one's own community, we should work on joint responsibility. My suggestion was not accepted. Is not the man seeking to work on joint responsibility anxious to do justice to all?"

Here the debate was visibly becoming acrimonious, but the President checked further reference to the Premier's award and the Ministers and adjourned the House.

#### FORMATION OF SECOND CHAMBER

**10th. NOVEMBER :—**The motion of the Hon'ble *Capt Sardar Sikandar Hayat Khan* recommending that the local Government should take steps to appraise His Majesty's Government that the constitution of a second chamber is desirable in this province, was rejected by the Council, the House not dividing. Sir Sikandar made it clear at the outset that the motion was to ascertain the view of the House and the Government would not vote. He however allowed the Ministers and the nominated members to speak and vote as they liked. The Hon'ble *Sir Jyendra Singh*, Minister for Agriculture, with nominated members favoured the motion for the constitution of a second chamber, and though their communal feeling always had the better of national interests which needed a check at the present stage. He pointed out that even in most advanced democratic countries such chamber was still thought necessary. Referring to the allegations made against non-Muslim Ministers, he asked the House to appoint an Enquiry Committee to go into their conduct and prove the allegations. It was to check such overtures, he concluded, that he favoured the motion.

Opposing the motion Mr. *Chhoturam* put forward the plea of financial stringency and thought it would be a White Elephant for the maintenance of which poor Zamindars would have to be fleeced.

#### The Punjab Criminal Law Amend. Bill (Contd.)

**11th. NOVEMBER :—**The Council held a very short sitting to-day. After question time, which was mainly devoted to seeking information by Muslim members regarding Muslims' representation in the services, Sir Henry Craik presented the select committee's report on the *Criminal Law Amendment Bill*.

Many modifications had been made in the Bill by the Select Committee, which presented a unanimous report to the House. Firstly, the life of the Bill had been reduced to three years; secondly, the powers of arrest and detention of suspected persons had been given only to gazetted officers; and thirdly, the penalty for disobeying orders for the control of suspected persons, had been reduced to one year. In the Bill, before it reached the Select Committee, it was stated that notwithstanding anything contained in the Code of Criminal Procedure 1898, all offences punishable under this Act shall be cognisable and non-bailable. The Committee omitted the words "and non-bailable."

#### WILD BIRDS AND ANIMALS PROTECTION BILL

Thereafter, the leader of the House, *Captain Sikander Hayat*, said that as the members had not studied the *Wild Birds and Animals Protection Bill*, as was apparent from the amendments received, he proposed to withdraw the Bill and to introduce another next week. The House having consented to the withdrawal of the Bill, it was withdrawn. The House then adjourned till the 14th for its penultimate sitting.

**14th. NOVEMBER :—**The Council held a short sitting to-day after a dull question-hour. The House passed seven excess demands for 1931-32, aggregating to Rs. 7½ lakhs for both the Transferred and Reserved Departments. Some of the demands were for departments under the Hindu and Sikh Ministers. The Hindu and the Sikh elected members who walked out did not attend to-day's meeting.

## ALLEGATIONS AGAINST OFFICIALS

**17th. NOVEMBER :—**Following a complaint by Mr. Marsden, an official member, the President warned the members of the Legislative Council so to make allegations against Government officials in their questions, and said that they would be personally responsible for making allegations, and they would not be immune. The President also said that it was not praiseworthy for the members to ask too many questions on communal matters and to seek information regarding transfers and promotion of petty officials.

One member asked whether this was an addition to the rules in the business manual.

The President said that he was not prepared to answer any questions on this subject now, and advised the members to see him in his room.

## WILD BIRDS AND ANIMALS PROTECTION BILL

After question-time, which was mainly devoted to seeking information regarding representation of Muslims in the Government departments, Captain *Sikandar Hyat Khan*, Revenue Member, said that the *Wild Birds and Animals Protection Bill* would be introduced at a later stage, as sanction on certain matters contained in the Bill would have to be obtained from the Governor-General.

## GURDWARA ACT AMENDING BILL

For remedying certain flaws in the *Gurdwara Act*, *Sardar Bomta Singh* introduced a Bill which was passed without any change by the House.

## Punjab Criminal Law Amend. Bill (Contd.)

**21st. NOVEMBER :—**The Council to-day held its longest sitting of this session, lasting four hours and discussed the Punjab Criminal Law Amendment Act Bill as amended by the Select Committee. The elected Hindu and Sikh members who walked out the other day still continued to be absent, and all the amendments to the Bill moved to-day were defeated.

*Chaudhri Allahdad Khan* from Ambala was responsible for most of the amendments which inter alia sought to limit the life of the Bill to two years, and urged the maintenance by the Government of the dependents of those detained on suspicion.

*Mahomed Sadiq* from Amritsar was most vehement in attacking the measure.

A division was called on the motion for passing clause two, which empowers the Government to tackle terrorists. The result was that only 5 members voted against the motion and 39 for. The House then adjourned.

**22nd. NOVEMBER :—**The Punjab Criminal Law Amendment Bill was passed to-day by the Council. The House rejected all the amendments which aimed at the curtailment of the powers sought to be given to the Government under the Bill.

Only one minor amendment was accepted by the Government. It made clear that only those policemen could enter private premises for reporting the proceedings of meetings who had the written authority of the Government to enter such premises.

## PRESIDENT EXERCISES CASTING VOTE

**24th. NOVEMBER :—**In the Council to-day, the President gave his casting vote against a proposal that the debate on a non-official motion be closed. The resolution, after some debate, was put to vote and was carried by *Rao Bahadur Ohhhotaram*, and recommended to the Government that a small committee consisting of officials and non-official members of the Council be appointed to suggest the necessary amendments in the Northern India Canal and Drainage Act and to overhaul all the rules made thereunder by the Government or by the Department of Irrigation. The Government members opposed the resolution.

A non-official resolution recommending to the Government to appoint a committee to investigate the causes of the economic and general backwardness of the Muzaffargarh district and to suggest measures for improvement which would be effected, was withdrawn by the mover after an assurance by the Government that they would try to do their best to improve the condition of the district.

## COMMUNALISM IN TEXT-BOOKS

**25th. NOVEMBER :—**That the Government would expunge from the list of schools and colleges text-books, particularly history books, all incorrect statements liable to

cause communal bitterness, was the undertaking given to-day by Hon. *Malik Feroze Khan Noon*, Minister for Education, while replying to a debate on a non-official resolution on the subject.

*Mr. Ahmad Yar Khan Daulatana*, who moved the resolution, stated that certain text-books contained statements which were the causes of communal bitterness. *Aurangzeb* was depicted as a tyrant and as one who had demolished Hindu Mandirs for the sake of religion, whereas the fact was that in those particular Mandirs, sedition had been preached.

An interesting debate took place on the resolution.

*Mr. Shah Mohammad* said that history was always written from a particular angle. If *Shivaji* had not been depicted as one set up against Moslem tyranny, the *Maharattas* would not have united. Similar was the case of the *Sikhs*.

*Mr. Habibullah Khan* said that he would not mind virtues and vices of kings being written in history but what he complained of was that several events, which promoted patriotism in the mind of Indian boys, were deleted from history.

*Mr. Sanderson*, Director of Public Instruction, said that text-books were not so much breeders of communal ill-will as communal questions asked by the members in the Council, Vernacular newspapers and communally-minded teachers. If, however, people pointed out cases of genuine misrepresentation in history, Government would see that such cases were expunged.

*Malik Feroze Khan Noon* said that he would undertake to have particular complaints looked into by one or more men. The resolution was withdrawn and the House adjourned.

## THE N. W. FRONTIER LEGISLATIVE COUNCIL

OPENING DAY—PESHAWAR, 10th. OCTOBER 1932

The autumn session of the North-West Frontier Legislative Council commenced at Peshawar on the 10th. October 1932. The Finance Member, the Hon'ble *Mr. George Cunningham*, introduced three bills, one of which—the *General Clauses Bill*—was accepted without any opposition.

The *Deputy President's Salary Bill* was passed after the Deputy President, *Khan Bahadur Abdur Rahim*, had declared that he would not draw the salary, but would work without any remuneration. An amendment moved by *Khan Abdul Ghaffur Khan* fixing the salary at Rs. 250 instead of 600 per month, was rejected by the House.

### The Frontier Tranquillity Bill

A very keen debate then ensued on the *Tranquillity Bill*, by which the Government sought to enact into law the main provisions of the Ordinance which was to expire in January. The opposition to the Bill was led by *Malik Khuda Baksh*, who deplored that such a reactionary measure, which struck at the fundamental principles of civic liberty and gave power to the Government, to do what they pleased, should be the first fruits of an alleged reformed Constitution. Before proceeding further with a Bill which was obnoxious in principle, he urged the House to throttle it at its very inception, by refusing leave to introduce it. The House, by 19 votes to 9, however agreed to its introduction.

The Hon. *Mr. George Cunningham*, in moving for the reference of the Bill to a select committee of four, whose report should be submitted by the 14th instant, confined his remarks to the statement of objects and reasons appended to the Bill. He observed that the Government's sole aim in wanting to arm themselves with the powers contained in the Bill was to combat the forces of disorder and to be able to accord due protection to the public. He proposed four names for the select committee, namely, *Malik Khuda Baksh*, Leader of the Nationalist Party, *Mr. Mahmud Sharif Khan*, *Sardar Raja Singh* and *Gulam Rabbani*. But *Malik Khuda Baksh* declined to serve on the select committee, and *Maulvi Noor Baksh's* name was substituted in his place.

Mr. *Habibullah* (Nationalist) raised a preliminary point of order, and said that the members did not get copies of the Bill three days previous to the sitting as required by the rules, and hence the debate should not be proceeded with.

The President made a statement that as copies were posted in good time and most of the members had received their copies, not much hardship had been caused, and therefore suspended the standing orders, so that the debate could proceed.

*Malik Khuda Baksh* then moved that the Bill be circulated for eliciting public opinion thereon by March 1st, 1931. He was supported by all the members of the Nationalist Party and by half a dozen other members, including Khan Bahadur Abdu. Karim Khan (Deputy President), two Hindus and two Liberals. *Malik Khuda Baksh*, in an impassioned speech, asked the Government whether the Bill was an earnest of their intention to grant Reforms to the Frontier. The whole of India was asking for a gesture of peace from the Government. Under the guise of an instrument of protection, the Bill was intended to arm the Government with powers so wide and far-reaching as to endanger elementary freedom. He thought that principles of vital importance to the people, the foundations of law and order and the decentralisation of power, were involved and that the least that the Government could do was to agree to consult the people whether they wanted such a measure for their own protection. What had been the effect of the series of Ordinances promulgated since 1930? Had they succeeded? If they had, where was the need for placing them on the statute book? If they had not, what was the justification for persisting in a policy which had been demonstrated to be futile?

*Hon. Mr. Cunningham*, the mover of the Bill, opposed the amendment, and said that the Government's object would be defeated if they were not able to obtain the necessary powers by the time the Ordinance lapsed in January. Mr. Cunningham pointed out that while the situation had no doubt greatly improved, there were still lurking elements of danger, which had to be guarded against. In fulfilling their primary duty to the people, the Government wanted, at the same time, their acquiescence and willing co-operation in their measures. Ordinances could not take the place of statutes of the Legislative Council. He paid a tribute to the sense of statesmanship shown by the Frontier Council in its short life of six months, and hoped that they would continue to uphold it.

*Nawabzada Allah Nawaz Khan* made an equally strong speech charging the Congress and the "Red Shirt" movements with the responsibility for the present position. He urged that there should be no circulation of the Bill, because every one at heart realised the need for these powers and circulation would only lead to further agitation and exacerbation of feeling among people, which was undesirable. On the one hand, the Congress and the "Red Shirt" organisations through their hirelings tried to set up parallel seats of authority and though paying mock-homage to non-violence openly condoned and applauded the deeds of violence and systematic defiance of the Government. On the other hand, their sympathisers charged the Government with autocracy when they assumed the minimum powers necessary for the continuance of the administration.

Mr. *Habibullah* (Nationalist) said that the Bill reminded him of the pre-British times when the Mughal autocrats issued decrees and ukases just like the present Ordinances. But there was at least this much difference in favour of the Mughals, namely, that they took upon themselves the full responsibility for what they did, whereas in the present instance, the responsibility for the Executive ukases was sought to be thrust on the people's representatives and hence on the people themselves. In a peroration charged with mock irony, he declared that he welcomed the Bill because it effectively exposed the hollowness of the Reforms and showed to the world that it was all camouflage. If the Government thought that by these tactics they would be able to terrorise the people into submission and to demoralise their spirit, they were doomed to disappointment. The Congress and the "Red Shirt" movements represented a spiritual fight and they would not be cowed down by Ordinances and Ordinance Bills.

*Sardar Raja Singh* said that neither in the statement of objects and reasons nor in the speech of the Finance Member was there any indication that an emergency had arisen. He dwelt on the reasonableness of the circulation motion, and said that if in the interval between the lapse of Ordinance, and the period of circulation, an emergency did arise, the Government could issue another Ordinance, the power to do which they would continue to enjoy, or they could call a special session of the Council to pass the Bill.

*Khan Bahadur Abdul Karim Khan*, Deputy President, said that he had no

sympathy with terrorists or with any subversive movements, but he could not support such a Bill at the present juncture, when in the words of Mr. Benn, a gesture of peace was what was needed. He thought that the Bill was too drastic and wide in its provisions. At any rate, he could see no reason against its circulation, especially when it was clearly demonstrated by the fact of Sir Ralph Griffith's going on home leave for four months, that the Government were quite satisfied that the situation in the Frontier was easy, and that there was nothing calling for his immediate presence. (Applause).

*Masuri Nur Bakhsh* opposed the amendment, stating that he was satisfied with the Government's assurance. There was no purpose in holding up the powers which the Government already had enjoyed and which they said they required in another form.

*Rai Sahab Mehr Chand Khanna* appealed to the Government to come to an understanding with the mover of the amendment, so that he could shorten the period of circulation.

The motion for circulation was lost by 20 votes to 11 and the Bill was referred to a select committee. The House then adjourned till the 12th.

#### ANTI-PROSTITUTION BILL

**12th. OCTOBER :—**Non-official business, including a bill and two resolutions, engaged the attention of the Council to-day. Consideration of Mr. *Pir Bakhsh's Anti-Prostitution Bill*, which had been circulated for public opinion at the Abbottabad session, was resumed. The bill sought to empower the municipalities of the Frontier Province to prohibit the keeping of brothels and the residence of prostitutes within their areas, failure to comply with the notice of ejection being punishable with imprisonment and fine. It was further provided that the offence shall be triable summarily and that evidence of reputation shall be admissible to prove the offence.

These two provisions brought about an interesting development. The debate being resumed, Mr. *Pir Bakhsh* moved the reference of the bill to a select committee. *Kazi Mir Ahmed*, legal remembrancer, raised the objection that, as the provisions of the bill ran counter to two all-India statutes, namely, the Criminal Procedure Code and the Evidence Act, previous sanction under section 80 (A) of the Government of India Act should have been taken and as this had not been done the bill was *ultra vires*. Mr. *Pir Bakhsh* tried to save his bill by pointing out that there was a provision in that section that the sanction of the Government of India could be obtained after the passage of such bill, but the *President* made a statement that a mistake had been committed in allowing the bill to be introduced and it had been wrongly circulated. The debate so far held was wrong and could not, under the rules, be continued. He, therefore, ruled that the bill should be regarded as non-existent.

#### GIRL'S EDUCATION

The House next passed without division *Rai Sahib Mehar Chand Khanna's resolution* asking that a Government high school for girls should be immediately opened in Peshawar. *Sir Abdul Qayyum*, Minister, pointed out that the demand for a girls' high school in Peshawar was based more on sentiment than on practical need and he appealed to the mover to withdraw his resolution in view of his promise that his department would consider the subject favourably and do what was feasible both in respect of allocation of more funds for girls' education and facilitating their high school studies. Mr. *Ghulam Rabbani*, who alone voiced opposition, said that a high school for girls at Peshawar was not a pressing need, and would have to be satisfied at the cost of primary education and the interests of the rural and the Mahomedan population who would not be benefited at all. This brought forth a retort from Mr. *Habibullah*, (Independent) that if Mr. *Rabbani's* insinuation was that only Hindu girls would be benefited he was doing no service by opposing the resolution on that ground. On the other hand, he should try to make his community emulate their Hindu brothers and sisters in the matter of education. *Khan Bahadur Abdul Rahim Khan*, Deputy President, said that one of his considerations in supporting the resolution was that it had been brought forward by a member of the minority community, and that if their girls had made so much progress as to need a high school at Peshawar, it was the duty of the majority to support such a demand. *Rai Sahab Khanna* was not satisfied with the Minister's statement, and pointed out that at present the Government was only spending 2 per cent. on girls' education whereas there were no less than 710 primary schools in the province, three colleges and a large number of high schools for boys. As regards the Minis-

ter's contention that there were only a handful of girls studying in the higher classes of middle schools, Mr. Khanna declared that he was arguing in a vicious circle as the opening of a high school would fill in the middle schools.

#### POSTS IN JUDICIARY

There was an interesting debate on *Sardar Raja Singh's resolution* recommending that 50 per cent. of the posts in the judicial line should be filled from amongst the members of the bar by open competition and the remaining 50 per cent. on a communal basis. *Malik Khuda Bakhsh* moved an amendment that recruitment to all posts in the judicial line should be from members of the bar. Moving his amendment which favoured a division of 50 per cent. of posts in the judicial line between the three communities in the ratio of 36, 10, and 4, *Malik Khuda Bakhsh* maintained that the fixing of ratios in apportioning posts in the services was an obnoxious principle, and this was particularly dangerous in the judicial line. Only members from the bar who were efficient and knew the law thoroughly should be recruited without any ratio considerations, and keeping the highest interests of the community as a whole in view. The *hon. Finance Member* opposed the amendment and said that the separation of the judiciary from the executive, which was pre-supposed by the amendment, was not at present feasible, as the cadre of officers in the Frontier was small, and occasions might arise when it might be found necessary to transfer officers from one line to another. He said that much as such a reform might be necessary it had not been found practicable in other parts of India, and to accept the amendment would only increase the difficulties of the Government. He, however, promised that in selecting men for the judiciary the Government would select men with a special aptitude for law. The *Independent party*, who sponsored the amendment, said that they were against allocation of posts on a communal basis, especially in the judicial line in which knowledge of law and capacity to administer it should alone be the qualification for appointments. The *Treasury benches* opposed the amendment and the Hindu block solidly sided with them, but they were defeated by 18 votes to 17 and the amendment was carried as a substantive motion.

#### REVENUE REMISSIONS

*Khan Bahadur Ahlul Rahim Khan* then moved a resolution recommending 50 per cent. remission in land revenue and *abiyana* so long as the prices of grain were low. The landholder members strongly supported the resolution. The debate was prolonged for half an hour, but as more speakers wanted to speak, it was postponed till the next non-official day. The House then adjourned till the 14th.

#### Frontier Tranquillity Bill—Sel. Comm. Report

**14th. OCTOBER :—**The Council held a short sitting to-day when the report of the Select Committee on the Tranquillity Bill was presented to the House. The Committee had made some important changes in the Bill. It considered that the Bill should not be a permanent measure on the statute book, but suggested that it should last only for five years. *Khan Bahadur Abdur Rahim Khan* and *Mr. Mahomed Shariff Khan* recommended that the Bill should be in force only for two years. The same members opined that an "officer of the Government" should not be lower in rank than an Additional District Magistrate, or a Deputy Superintendent of Police, but the Committee, as a whole, did not accept this change. As regards the means to be adopted to implement the provisions of the Bill, only the means that were "absolutely necessary" had been sanctioned. The Committee suggested the adoption of the provisions of Section 12 of the Bengal Criminal Law Amendment Act 1930, to give compensation to the dependents of those arrested and detained under this law, it being provided that a monthly allowance adequate to meet the needs of the detenu's family and his near relatives, shall be made by the Government according to his rank in life. The Committee also borrowed section four of the Terrorists Outrages Act 1932, in respect of utilising lands, buildings, quarters, etc, for the accommodation of troops, police or prisoners.

A minority consisting of *Khan Bahadur Abdur Rahim Khan*, *Mr. Mahomed Shariff Khan* and *Sardar Raja Singh* suggested that the punishment prescribed in the case of a first conviction be one year and in the case of a subsequent conviction, two years. The majority however thought that a uniform period of two years should be maintained. The Committee recommended that compensation should be given to those whose vehicles were appropriated. The Committee finally opined that the Bill had not been so altered as to require republication.



## REMISSION OF LAND REVENUE IN FRONTIER

**18th. OCTOBER :—**In the Council to-day, the Government were defeated by one vote on *Khan Bahadur Abdul Rahim Khan's* resolution recommending a remission of fifty per cent in land revenue and in the abiyana water rate, which together brought in about thirty-four lakhs to the Provincial Exchequer.

In the demand for a total reduction of seventeen lakhs, the Zemindar members from among the Progressives and Liberals, were supported by the entire Nationalist bloc, while the Government were supported by the Hindus who made their position clear by stating that, while they were in sympathy with the principle underlying the Bill, they could not agree to fifty per cent remission with its concomitant surcharge in taxation, which would inevitably fall on the non-agricultural classes.

*Mr. Thompson*, Revenue Commissioner, and the Irrigation Secretary, explained the reasonableness of the present assessments on land and canal water, and pointed out the unreasonableness of a fifty per cent reduction, which would only result in crippling the beneficent departments. This would hardly be to the benefit of the cultivating class themselves.

On the other hand, the supporters of the resolution, particularly Nationalist members, maintained that the plight of the land-owning classes was so serious as to constitute a positive danger, and it was the duty of the State to give the required relief, even by making further retrenchment in the department concerned.

The Nationalist point of view was put forward by *Pir Baksh* and *Mr. Habibullah*. They said that the distress among the cultivators was real, and it was the duty of the Government to play the part of a friend-in-need towards the peasantry for whom they professed to have so much sympathy. The latter had given freely of their blood and money during the War to save India and the Empire and they were now asking for a helping hand in an emergency which was critical. The situation was also not without danger.

*Pir Baksh Khan* asked the Government not to allow themselves to be lulled into a false sense of security through the prevailing appearance of acquiescence and peace. It was merely the lull before a storm. Such had been made of law and order in recent times. But was not the sympathetic handling of questions like these a surr—though probably a little indirect—way of maintaining peace and good Government? Unsympathetic attitude in such matters inevitably introduced the vicious circle of agrarian discontent, disorders and the big stick and they had the situation there in a nut-shell.

Hindu members, including *Rai Sahib Iqbal Das*, *Rai Sahib Ruchiram* and *Lala Ladda Ram* voiced their opposition to the resolution as it stood. The Leader of the Hindu party made it clear that, had the demand for remission been put at a more reasonable figure, they would have given their support to it, as they were in agreement with the underlying principle of the resolution. But its usefulness was marred by its comprehensive nature and the vagueness of the period of which remission was sought. Moreover, what guarantee was there that the resultant difficulty would not entail further taxation upon a people already overburdened? Income-tax payers and the small artisans would be the scape-goats. No doubt, a contented peasantry was the backbone of the administration, and a discontented one was the happy recruiting ground for malcontents and agitators, but the budget had already been balanced and passed, and the proper reduction now in the actual collected revenue was hardly within the pale of practical politics.

Finally, *Rai Sahib Mehr Chand Khanna* made a statement on behalf of the Hindus that, while opposing the resolution as it stood, they were not opposed to equitable relief to the agricultural classes. They were not in a position to assess how in practice a fifty per cent reduction could be carried out or how it would operate on the population in general, and they were compelled to oppose the resolution as it stood.

*Mr. Thomson*, Revenue Commissioner, explained in detail, with facts and figures, the impossibility of making such a reduction on the one hand and the reasonableness of the present rates of assessment on the other. He said that the taxpayers would doubtless be happier to have a cent per cent remission in rates, but the needs of the administration should also be considered. As regards the actual distress, let the ryots remember the palmy days of 1918 and 1919, when the prices soared high. Even now, compared to the prices ruling in the Settlement years, the ryots were not worse off. He quoted figures to prove that the prices were in some cases actually higher. Even so, the Government had given liberal relief in 1929, 1930, and 1931 and their policy in this respect was closely correlated to that of the Punjab

where too remission had not been placed at fifty per cent. It was unjust to charge the Government with lack of sympathy. They were giving and were prepared to give what local relief they could. He was sure that even the peasantry would be more reasonable than some of the members, because sometimes they could see things better than others. There was no danger of the peasantry misunderstanding them if they did not support the fifty per cent remission.

The *Secretary for Irrigation* said that the Government were actually giving canal water to cultivators at less than the cost price. If they had a seven lakhs cut in the canals revenue, not only irrigation but also other activities would come to a stand-still. He pointed out the inconsistency of making on the one hand a reduction of twenty lakhs in revenue, and on the other asking the Government to undertake schemes for bringing drinking water to the arid districts.

Mr. *Cunningham*, Finance Member, said that the interests of no community were closer to the heart of the Government than that of the agricultural classes, and they were watching their needs with sympathy. He offered to establish a committee to help the House to get the necessary data from the departments concerned, so as to be able to arrive at a correct and wholesome decision.

#### STATUTORY PROVISION FOR SUBVENTION

There was complete agreement on the next resolution, which recommended the incorporation of a provision in the Government of India Act to be placed before Parliament in the near future for making the subvention to be granted to the Frontier Province a statutory and permanent charge on the income of the Central Government, in such a way as to enable the Frontier Administration to be carried on in all respects on a footing of equality with the rest of British India.

Speakers in support of this resolution took their stand on the fact that the Frontier was fulfilling the function not only of an Indian unit, but of an Imperial unit. In asking for a statutory provision to make both ends meet, they were only demanding what was clearly their right.

The Government found themselves in agreement with the rest of the House, and the Finance Member, Mr. *Cunningham*, promised to communicate the result of the debate and the wish of the House to the proper authorities.

The Minister said that the dignity of the Frontier Province, which wished to be regarded as an equal component of the Indian Federation, demanded that the subvention should be statutory.

The resolution was adopted unanimously. The House then adjourned till the 20th.

#### The Frontier Tranquillity Bill (Contd.)

**20th. OCTOBER:**—Further progress with the consideration of the public Tranquillity Bill was made in the Council to-day when its examination clause by clause was taken up. The Government were opposed at every step by Nationalist members raising a debate on every possible point. Only three clauses were considered during the day's sitting, two of which were passed by majorities of 20 to 9 and 25 to 11, while in respect of the third, the Government met the opposition half way, agreeing not to vest the special powers in any but gazetted officers, whereas the original clause contemplated that the powers could be exercised by Sub-Inspectors.

At the outset, *Malik Khuda Bakhsh* proposed that the Bill, as reported by the select committee, be circulated for eliciting public opinion before the 7th December 1932. He was supported by other Nationalists, who pointed out that the select committee itself was not unanimous regarding its recommendations, that it was only fair that the public should be afforded an opportunity to have their say respecting the measure which affected their liberties, that the Government had not behind them the support of the elected non-official element as had been demonstrated by the division on *Malik Khuda Bakhsh's* motion on the first day, and finally that there was no justification for undue haste, especially since the Government would continue to enjoy the same powers under the Ordinance till January, 1933.

The Government opposed the amendment, stating that time was the essence of the thing, and as there would be no further opportunity to frame such a law between now and the time of the expiry of the Ordinance.

The amendment was rejected by 20 to 9 votes—the Hindus remaining neutral.

Mr. *Abdul Gaffur Khan* then proposed that the Act should come into force not at once, but on the 1st January 1933. In support of his amendment, Mr. *Gaffur Khan* stated that the Government would be enjoying the same extraordinary powers, so to say, by double legislation, firstly under the Ordinance and then again by the

present Act. There was a possibility that the Government and the Congress might come to an understanding in the meantime or that the Round Table Conference might reach a decision removing the necessity for all these proceedings, and the Government might therefore stay their hands till then.

Mr. *Cunningham*, Finance Member, joined in the hope that peaceful conditions would soon be restored, which would please none more than the Government, but they could not anticipate things and should follow to their logical conclusion of things as they found them.

The amendment was lost without a division.

*Malik Khuda Bakhsh* then moved that the Government should not have power to apply the Act to the Province on any part thereof for more than one month, and that further extension of the measure should be obtained with the sanction of the Council, called in a special session.

This amendment was also rejected.

#### PROPOSAL TO LIMIT LIFE OF BILL TO SIX MONTHS

*Malik Khuda Bakhsh* then moved that the life of the Bill should be limited to six months, instead of five years. It was contended that even Ordinances were promulgated for only six months. Why then legislate for an unknown future, when a new regime would come into being.

Mr. *Ghulam Rabbani*, opposing the amendment, said that although the Government, in the first instance, wanted the measure to be a permanent one, he and his colleagues in the select committee had persuaded the Government to limit it to five years. This period was quite reasonable, seeing that similar statutes were being enacted for periods of ten years in other parts of India. The time was not far off when the province would have complete responsibility and they should prepare for it from now onwards. If the coming months should bring about an improvement in the situation, the future Government would be at liberty to shelve the Act and the Council to repeal it altogether, as the popular element would then be fully represented on it. The House should therefore have no qualms, that they were legislating for a needlessly long period.

*Maulvi Nur Bakhsh* declared that there was more of blind sentiment behind some of the arguments advanced than a clear knowledge of what the Bill implied. The Government were shown in a darker shade in comparison with the autocrats of old, and that, for what? For introducing a Bill which was in reality innocuous and which only authorised the local Government to restrict the liberty of persons for one month and no more. The agitation against the Bill was purely artificial and was bred as much in ignorance as in perversity. He recalled the words of *Pir Bakhsh* on the land revenue motion when he stated: "This is the lull before a storm." It did not lie in the mouth of *Pir Bakhsh* now to say that everything was rosy and that an enactment for six months would more than cover the needs of the case.

*Khan Bahadur Abdul Rahim Khan*, who was one of the members of the select committee, said that the situation in the Frontier was not the same as in Bengal, and it was hardly fair to treat this province on a par with provinces where similar extraordinary legislation had been enacted. It would establish the bonafides of the Government, he said, if they restricted the life of the Bill to a period less than five years, whereas if they persisted in enacting it for the latter period, they would, in effect, be telling the people of the Frontier that they were no better than Bengalis.

Mr. *Cunningham*, opposing the motion, said that the law was being passed as much for themselves as for their successors, and an Act for six months would defeat its own object. Within two years, there would be important constitutional changes coming into force, and it was the duty of the Government to look ahead and beyond. Mr. *Cunningham* narrated how the Government had come to a compromise with the majority in the select committee, and maintained that five years was the minimum for which the powers would be required. About two years from now, he said, they would be on the verge of important constitutional changes which would bring with them a certain amount of difficulty. They would be untrue to those who followed them, if they did not provide for that period with reasonable prospects of security. He associated himself with the hope that there would be no need to use these powers after six months and trusted that, in the coming years, people would even forget that such a law existed upon the statute book.

The amendment was pressed to a division and declared rejected by 25 votes to 11, *Hindus* siding with the Government.

21 OCT. '32]

## DEBATE ON THE TRANQUILLITY BILL

Speaking on *Malik Khuda Bakhsh's* amendment that the powers should be exercised by officers not below the rank of Additional District Magistrates, *Mr. Cunningham* said that Sub-Inspectors and other officers had so far discharged their duties and responsibilities with singular ability and conscientiousness, but if the Government would thereby ensure that the Act would not be unpopular, they were willing to substitute the words "Gazetted Officers."

*Mr. Khuda Bakhsh* accepted the amendment on behalf of his party. The House then adjourned.

**21st. OCTOBER :—**By holding two sessions during the day, the second day devoted to the Frontier Tranquillity Bill, the Council disposed of a further batch of Nationalist amendments, the majority of which were defeated by large majorities, while others were either accepted by the Government or withdrawn as a result of the Finance Member agreeing to their principle and promising to incorporate their *motif* in the Bill. In the latter category came *Khan Abdul Ghaffur Khan's* amendment that reasonable monthly rent should be paid for the use and occupation of buildings or land temporarily appropriated by Government and *Mr. Habibullah's* amendment that the quarters occupied by women should be sacrosanct and should not be subject to occupation.

The amendments accepted by Government were that a special order issued by Government for the arrest or detention of a person shall be in writing, that Government's grounds for employing special powers shall be reasonable and 'sufficient' and that the words 'any means that are absolutely necessary and reasonable may be used' be omitted. The burden of speeches in favour of the amendments was that the extraordinary powers were likely to be abused and mishandled by officers. In reply to this an assurance was given that Government were only giving themselves wide latitude, not to be actually availed of in practice, but to fall back upon in case of extreme emergency.

Two provisions to which the greatest opposition was offered were those applying, firstly, to a man 'about to act' and secondly, the power given to officers to compel a particular conduct or abstinence therefrom from a suspected person. Both the amendments were pressed to a division and lost by majorities of 19 to 10 and 21 to 8 respectively.

A feature of the debate to-day as on the previous two days of discussion on this bill was that while arguments on both sides were well marshalled and cogently expressed, no undue heat was generated and remarkably good feeling prevailed.

That the Frontier Tranquillity Bill was deficient in respect of clear definitions of offences and their remedies, that it sought to arm the executive with powers unparalleled in the history of jurisprudence, that it was desirable in the name of law itself that some sort of healthy check should be placed on officers who would be armed with those powers and the peaceful frontier was being unjustly made the victim of a law which had primarily been conceived for more distant provinces, were some of the arguments advanced by the nationalist movers of amendments which having been sent in the name of each member of the party enabled them to shoulder the debate by turns. They particularly attacked the phrase, 'about to act', arrest without warrant, verbal delegation of power to arrest, detention without trial for fifteen days and thereafter for two months and power to compel a person to take a particular course of action.

The Finance Member and the Inspector-general of police met them on technical grounds and assured them that their fears were unfounded.

Two non-official members, Messrs. *Ghulam Rabbani* and *Maulvi Nur Bakhsh* stood up against the Nationalist oratory. *Mr. Nur Bakhsh* deplored that some of them were allowing too much play to their imagination and were conjuring up lurid pictures of blood and fire throughout the land the moment the law was placed on the statute book. He reminded the house that the same Government had employed the Ordinance with great consideration and could be expected to use the powers which were specifically meant to be used in extraordinary circumstances only, with a reasonable sense of decency and appropriateness.

There was a tussle on the phrase 'about to act', the Independents declaring that it was a psychological and hence non-legal expression, whereas *Mr. Adam* held that since even design was made punishable by the Cr. P. Code and in the present instance only deputy superintendents would be empowered to take cognizance of an offence, the possibility of hardship, if at all, should really be less. He replied to another opposition argument by stating that the Frontier was not without its terro-

ristic activities and it should not be supposed that terrorism was non-existent in the Frontier.

This brought forth an affirmation from Mr. *Pir Baksh* that the Frontier had shown exemplary non-violence even in the face of the greatest provocation, and that there was not a vestige of terrorism in the province.

During the debate it was also pointed out on behalf of the Government that the bill was essentially a preventive measure and as such contained powers that were admittedly wide but they would never be employed by Government too harshly or tyrannically. As regards detention without trial they had improved upon the Ordinance and reserved to themselves the right to release a man as soon as they were reasonably sure that the arrest had served its purpose. Government had also accepted the principle of giving a subsistence allowance or compensation as the case might be to persons affected by the bill, but they could not agree to giving a subsistence allowance to their dependents as well, as that would only open up a new avenue for the solution of unemployment.

**22nd. OCTOBER :—**Two other safeguards proposed by independents which Government saw their way to accept to-day related to the reports of public meetings and compensation for damage caused by acts under the Act. The Finance Member agreed that police officers should not have power to depute to a village-headman, lambardars and others to do the duty of reporters if, as was asserted by Mr. *Pir Baksh*, there was a danger of private grudges being vented on victims. The section was changed accordingly, though the power to take an escort to such meetings including policemen was retained. As regards indemnity against claims for damages proposed by the Bill, the Finance Member consented to add a proviso that with the previous consent of the local Government claim for damages might be put in.

He accepted and agreed to incorporate in the bill the principle of daily compensation to persons such as taxi-drivers and others whose conveyances and other vehicles Government might had occasion to seize. Similarly he bowed to the popular sentiment when he agreed to ensure the sanctity of places of worship against searches and accepted the phrase 'Any place other than mosque, temple, Gurdwara or dhamasala' which was mutually arrived at as a result of consultation on the floor of the House. 'And why not a church', said Nawabzada Allah Nawaz Khan, to which the Finance Member laughingly replied, 'All right. Let us have church too.'

#### DISOBEDIENCE OF PREVENTIVE ORDER

The stiffest opposition of the day was offered on two important issues, namely, maximum sentence of two years with fine for disobedience of a preventive order under sec. 5, and the finality of the tribunal's verdict. These were also the two issues on which the Nationalists appeared to have moral support from outside their own ranks. On the latter issue *Sardar Raja Singh* spoke in support of the amendment which was finally accepted by the Finance Member when a division was about to be taken, while on the former issue *Rai Sahib Latha Ram* had an amendment that the sentence in the first instance should be one year and two years in the second as against six months proposed by the Nationalists. *Rai Sahib Latha Ram's* amendment was however overruled, being time barred.

Speaking on Mr. *Khuda Baksh's* amendment to this section the Finance Member said that Government had given very careful consideration to the period of punishment before the decision to fix the sentence at two years was arrived at. As the bill itself was essentially preventive so this punitive provision was also preventive as well as deterrent. Theoretical assertions were in this instance unprofitable and practical considerations should alone guide them. As regards the other powers in the Act which were described as too far-reaching and to which safeguards had been brought forward, he said that while he recognized the force of some of them he could not agree to their incorporation, because that would only defeat the purpose of the bill. He appealed to the House to leave it to the good sense and fairness of the officials to see that only what was reasonable and necessary was done.

The House adjourned till the 24th, when non-official business was taken up, including a motion recommending release of political prisoners.

#### KOHAT SUFFERERS' LOAN

**24th. OCTOBER :—**There was an interesting debate in the Council to-day on *Rai Sahib Mahar Chaud Khanna's* motion recommending the remission of the entire loan of 10 lakhs granted to sufferers of the Kohat riots in 1924. *Rai Sahib Khanna*

said that by granting remission the Government would only lose about Rs. 30,000 yearly for the period over which the instalments were spread. For that fact of grace they would earn the gratitude and goodwill of all the three communities. He said that the people had taken loans expecting to rehabilitate themselves, but they were now regretting having entered into this additional commitment. On the one hand, the value of immovable property had gone down considerably and trade was at a low ebb due to the depression. Whichever way they turned, they could not see any hope of being able to pay back the money. On the other hand, the Government had started making legal recoveries. As a consequence about forty persons had been rendered insolvent and a number of firms had gone into liquidation. In other parts of India, where similar disasters had occurred, and Government had come forward with some measure of gratuitous aid in conjunction with loans, but in Kohat this had not been done. He therefore appealed to the Government to show mercy to the people.

While Progressives and Liberals opposed the motion (the Secretary of the former party recalling that on the land revenue remission issue, Hindus had taken up an unfavourable attitude, presumably because it was to the benefit of Muslims mostly), Nationalists and Hindus solidly supported it.

The leader of the Nationalist Party deprecated the introduction of communal feelings. Moreover, where the question of human suffering was involved, universal sympathy alone should prevail without considerations of community. He appealed to the Government to write off the amount, because they would thereby be securing the objects they claimed they had in view of the maintenance of law and order, namely, the bringing of peace and contentment to the people.

Other speakers, in support of the resolution, said that due to the riots, which were accompanied by fires, the people of Kohat had suffered a material loss to the extent of four crores of rupees. The Government had gained to the extent of eighty lakhs as currency notice of that value were burnt. This figure, it was claimed, was not an exaggerated one and had even to some extent been endorsed by the Government. Therefore, keeping in view the real hardship prevailing among the people, the fact that persons owning thousands and lakhs had been reduced to absolute paupers overnight, the vast resources of the Government and the difficult times, which had been rendered still more difficult for the Kohat people, due to the refusal of credit and the consequent stagnation of business, it was eminently fit and reasonable that the Government should show their generosity and remit the entire loan.

The Finance Member, *Mr. Cunningham*, opposed the resolution on behalf of the Government. He said that the Government had the utmost sympathy with those who had suffered during the riots, whether they were Hindus, Mussalmans or Sikhs. Their sympathy was not influenced by any considerations such as the origin of, or other factors connected with, those riots. He wished at the same time, to make it perfectly clear that the Government had no intention whatever to forego the amount advanced as loan. He wished that the Government had an opportunity to make their position clear at the Abbottabad session, because in that case recoveries on instalments at Kohat would by now have shown better results. *Mr. Cunningham* stated that within two years of the advancement of the loans, it was found that money was not being genuinely appropriated for the purposes whereof it was given. In 1930, the year following the period of depression, the Government, after taking all the circumstances into view, extended the period of payment to 20 years and also offered to forego interest, if the instalments were paid on the due date. It was not trade depression, however, so much as the mistaken idea, that a remission would be forthcoming, that was responsible for the difficulty which the Government had been experiencing in making the recoveries ever since 1930. A very important principle was also involved in the question. The revenues of the Government came from the tax-payers and not from a bottomless purse. If remission was to be given to Kohat, money would have to come from tax-payers not only of this province, but of India as a whole. And then, too, Kohat was not the only place which had such troubles or was likely to have them. Therefore, both for the sake of the good name of the Frontier Province, and the reputation of their people for commercial honesty, the Government could not countenance a move savouring of repudiation of commitments.

*Rai Sahib Khanna*, replying, said that a province which had to depend on others for a major portion of their expenditure, could not be too squeamish regarding considerations of credit.

The motion was lost by 20 votes to 14, the minority consisting of Hindus and Nationalists.

**The Frontier Tranquillity Bill (Contd.)**

During the afternoon sitting of the Council, further progress was made with the Tranquillity Bill. The Government agreed to delete clause 20 which laid down special procedure for cognisance of offences by courts. Nationalists strongly opposed the principle of vicarious punishment inherent in the infliction of a general fine on all people of the offending village, irrespective of whether one was present in the village then or not.

*Mr. Cunningham* replied that the principle was not so unheard of as had been alleged, because in certain Pathan tribes, there was a centuries' old custom incorporating the same principle where two tribes were at war.

**25th. OCTOBER :—**The House met to-day, the last day of its current session, to pass the Public Tranquillity Bill.

After adopting the remaining eleven clauses which laid down the procedure for the trial of offences coming under this Act, the House agreed to the Bill as a whole by 27 votes to 8.

Nationalists did not move their amendment to the preamble and the title, but they passed all their other amendments to the whole of the chapter on procedure, proposing the deletion of a series of clauses and also adding a final clause introducing the principle of appeal. All their amendments were however defeated.

On the only division claimed to-day, regarding the deletion of the clause reserving to the Government the right of non-transfer of cases, the Government had a majority of 20 to 7.

At the end of the debate, *Mhalik Khuda Bakhsh* and *Pir Bakhsh* for the Nationalists and *Khan Bahadur Abdul Rahim Khan* (Independent) voiced the general sentiments of the Opposition. The Finance Member *Mr. Cunningham* replied to their points later, before the Bill was finally put.

**"NOT IN KEEPING WITH THE SPIRIT OF THE REFORMS"**

*Malik Khuda Bakhsh* said that from the very inception of the Bill, his party had tried every means open to them to persuade the Government to change their mind, but without success. He took an imaginary accused through all the processes contemplated by the Act, the penalties reserved for him and the privileges denied to him, and said that looked at in that light, the Council could not congratulate itself on its first important performance. It was not as though only Congressites or 'Red-Shirts' were involved, he said. The hon'ble members were equally involved. The Act was not in keeping with the spirit of the Reforms. It had not been discussed on its merits in the Council, but on a party basis, which was a very dangerous procedure to follow in the case of such a far-reaching legislation.

**PLEA FOR POLICY OF CONCILIATION**

*Khan Bahadur Abdul Rahiman* appealed to the Government in the name of British justice to think twice before placing the Act on the statute-book. He declared : "If the British administration is respected anywhere in the world, I believe it is because of its magnificent traditions of impartial justice. We now hope that they will give us the same freedom which they themselves cherish." He pleaded for a policy of conciliation and goodwill on both sides, and said if that policy were adopted, the necessity for such drastic measures would not exist. The Khan Bahadur concluded by saying that those whom the Bill was intended to deter were people prepared for the worst. Imprisonment and confiscation were only a mild sort of punishment compared to what they were ready to suffer. The Bill, therefore, would not serve its purpose, but would only cause hardship among the general population.

**PROVINCE'S DEBT TO CONGRESS AND "RED SHIRTS"**

*Moulvi Nur Baksh Khan*, supporting the passage of the Bill, said that those who opposed the measure were deceiving themselves and others by drawing the picture of a martial law regime to prevent the enactment of the Bill into law. That was a false picture. They knew the dangers threatening the Frontier, the organisations working against the Government, and the length to which they were prepared to go. If the Government were honest to themselves and to the people they could not but assume the powers now asked for by them. While candidly admitting that the Frontier Province owed something to the Congress and the Red-Shirt movement in the way of the acceleration of the present Reforms, he, at the same time, warned

their admirers that other aspects of their activities were inimical to the best interests of the Frontier people and must be curbed. He opined that the same energy might now be directed into more constructive channels, such as education and the improvement of the condition of the people.

#### "DISILLUSIONED AND CHASTENED"

*Pir Baksh Khan* said that they would be returning to their constituencies disillusioned and chastened. They had been warned that the Council was incapable of doing any good to the people, but they had nevertheless come forward as optimists to co-operate in working the Reforms. And the present Bill was what they were now taking back to their electors. Indeed, they were unconsciously countenancing the acts of the Government. He, therefore, made it clear that the law that was now being enacted had not the least support from the Independent Party.

#### THE OFFICIAL SPOKE-MAN

*Mr. Cunningham*, replying to the debate, paid a tribute to the manner in which the House as a whole had co-operated in putting the Bill on the statute-book, and the readiness with which they had given their help. No doubt, the Bill was a serious addition to the law of the province, but if they could pass through the next five years without encountering the troubles of the previous years, the Government would be glad even to forget that such a law existed. The Government hoped that there would be no necessity to apply the Act. If he had any part to play in the future administration of the province, he would see to it that the law was judicially administered with an eye solely to the maintenance of law and order and the bringing of peace and tranquillity to the people. As regards the charge of tyranny brought against the British Government, *Mr. Cunningham* defied anybody in or outside the House honestly to say that the British rule had not been of immense advantage to the people of this country. Whatever mistakes they might have committed, the broad purpose of the British Government had been to defend the peoples of India from injustice and to strive, with all their strength and sometimes with their lives, to preserve and increase the prosperity of India. The Bill had been described as being contrary to the spirit of the reforms. The reply to that charge was that all reforms necessarily implied self-discipline and control on the part of the people, without which freedom would only be a snare and a delusion. It was with that object in view that the Government had brought forward this measure.

The House divided, 27 voted in favour of the Bill and 8 against it.

The Council then adjourned *sine die*.

## THE ASSAM LEGISLATIVE COUNCIL

OPENING DAY—SHILLONG, 12th. SEPTEMBER 1932

Opening the September session of the Assam Legislative Council at Shillong on the 12th. September 1932, His Excellency the Governor reviewed briefly the financial position of the Province for the past five years, and said that the current year's economic depression had grown still more intense, and the ultimate deficit of the current year's working expenditure was expected to be 37 lakhs. The proposals of the Retrenchment Committee, which had been given effect to, resulted in a saving of 15 lakhs annually. The other orders issued by the Government had reduced the revenue expenditure from 2 crores and 97 lakhs in 1929 to an estimated expenditure of 2 crores and 40 lakhs in 1932. Further retrenchment was also being considered.

His Excellency the Governor complimented the province generally on the fact that revolutionary and other subversive movements affected the province little, as compared with the other provinces.



## DISCUSSION ON COMMUNAL AWARD

**14th. SEPTEMBER** :—The Communal Award was discussed in the Council to-day. General dissatisfaction was expressed except by representatives of the Depressed and Backward classes.

In the course of the debate, the *Leader of the Planting Group* referred to the "grossly inequitable recommendation of the Franchise Committee concerning his community" which, he said, was in direct contradiction to the recommendations of the Assam Government, the Provincial Committee and the Simon Commission.

## PLEA FOR SUBVENTION

**15th. SEPTEMBER** :—The Council to-day passed a resolution recommending a subvention from the Central Revenues for meeting the deficit of the province, the protection of the North-East Frontier and the administration of Occupied and Backward Hill areas.

## ENQUIRY INTO AGRICULTURAL SITUATION

Another resolution recommending the institution of an enquiry into the present agricultural situation in the province, with a view to ascertaining the capacity of the people to pay the existing revenue, was withdrawn on the assurance of the Government that this was already being done.

The House also passed the *Assam Municipal Amendment Bill*.

**16th. SEPTEMBER** :—The Council to-day adopted the report of the Public accounts Committee on the audit and appropriation report for 1930-31 and voted demands for supplementary and excess grants.

## ASSAM LAND REVENUE REGULATION AMEND. BILL

The House agreed to circulate *Abdul Khalique Choudhury's* Assam Land Revenue Regulation Amendment Bill 1932, for eliciting public opinion. The Bill seeks to introduce, in respect of sales of immovable property for non-payment of land revenue, annulment of sales wherein the money due with compensation is deposited within thirty days from the date of the sale.

## OPIMUM AND EXCISE AMENDMENT BILLS

**17th. SEPTEMBER** :—In the Council to-day, the Excise Minister moved that the *Assam Opium Amendment Bill* and the *Assam Excise Amendment Bill*, as modified in the select committee stage, be taken into consideration. But as objection was taken, on the ground of want of proper notice, consideration was postponed to the next session.

*Sir Mahomed Saadullah* presented the report of the select committee on Standing Orders, for the passing of certain amendments, the most important being one relating to prohibition in the speeches of the members of the Council, of reflections upon the conduct of the Governor-General or the Governor.

*Mr. B. C. Goswami's* motion regarding the provision of a second chamber in the new constitution was discussed and lost by the casting vote on the President, there being 16 votes for and 16 against.

The Council was at this stage *prorogued*.

**THE COMMUNAL AWARD  
&  
MAHATMA'S FAST**



# THE PREMIER'S COMMUNAL AWARD

## The Genesis of the Award

The following is a sequence of events leading up to the decision of the British Government to make a communal award\*, and was issued in a Government of India Communiqué :—

In 1929, largely as a result of representations made by Indian leaders, Lord Irwin announced that before a scheme for a new Indian constitution was placed before Parliament, a Round Table Conference would be held in London at which full opportunity would be given to Indian representatives for discussing all matters connected with it. The first session of the Conference took place in London in the winter of 1930-31. A Sub-committee, known as the Minorities Committee, was formed and its members selected from amongst the responsible leaders of the various communities. Its chief function was to endeavour to find a solution of the problem of communal representation. This Committee met six times, but during the proceedings it became increasingly evident that serious and indeed fundamental differences of opinion existed between the members on this particularly important subject. A satisfactory settlement of the question was naturally of vital importance to all, since the more acute the differences between the various communities in a country so large as India are shown to be, the more difficult is it to evolve a scheme of responsible self-government which is likely to work smoothly. Nevertheless, the first session of the Conference terminated without any agreement whatever having been reached on the communal question. The Prime Minister and other British statesmen used their best endeavours to bring the parties together, continually emphasizing the necessity for complete agreement and towards the end of the Conference earnestly appealed to them to compose their differences before the next session.

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\* In this connection it would be interesting to read an account of the genesis of the communal electorate as given by Mr. J. B. Petit in the course of a speech that he made on a resolution on Communal Award during the Poona Session of the Bombay Council. We quote below the relevant passages from his speech :—

"As is well-known, the late Mr. Gokhale was in very close touch with Lord Morley during the development of the Morley-Minto reforms. He had his complete confidence and was being freely consulted by him during the formation of his scheme. It was in the year 1906 when I also happened to be in London at the time and was privileged to work with Mr. Gokhale in this matter more or less as his private secretary, when I had to handle his confidential correspondence and papers, prepare statements for him, cull out figures from Government reports and blue books, and was in a variety of ways, otherwise very closely associated with him in his collaboration with Lord Morley. It was accordingly my privilege not only to know many important incidents connected with the reforms but also to discuss with him many matters arising out of them. It was during one of these discussions that he told me that though Lord Morley enjoyed the complete confidence of the Cabinet, he had been considerably handicapped by the inexorable condition that had been imposed upon him by the Premier and the other members of the Government, that in all his proposals, he must carry the Government of India with him if his reforms were to be accepted by the Cabinet as a whole. The Government of India, or, rather the forces of reaction behind them, who, as usual, were opposed to any advance at all, went on putting difficulties after difficulties in Lord Morley's way, many of which, however, Lord Morley, shrewd and powerful that he was, unceremoniously brushed aside. But there was one condition which the Government of India put forward on which they were adamant. That was that the cry of our Mahomedan friends for special treatment should be recognised and that the principle of communal seats and separate electorates must be accepted and introduced in the constitution as an absolute condition precedent to the introduction of any reforms in any form or shape. Great though Lord Morley's influence in the Cabinet was, still even he felt himself helpless before this determined demand of the Government of India in face of which, he was doubtful of carrying the Cabinet with him, unless he yield-

The second Round Table Conference met in London on Sept. 7, 1931, but as such negotiations for a communal settlement as there had been in India during the interval had proved abortive, the situation remained as difficult as before. The Minorities Committee reassembled with the Prime Minister as Chairman, and he once more appealed to the members to agree amongst themselves on this vital question. The Committee, however, which now included Mr. Gandhi, after long discussions, recorded with deep regret that it had failed to reach any agreed conclusion on the difficult and controversial question which had been the subject of its deliberations. A noticeable feature of these meetings had been an increasing desire on the part of the Indian members that the British Government should settle the dispute on its own authority, but the requests of the various members of the Committee were accompanied by a number of such crucial and conflicting reservations that it proved impossible for the British Government to reach any decision with regard to them. The Prime Minister, however, as Chairman of the Committee offered to give a temporary decision provided that every member signed an agreement pledging himself in advance to support it. The offer was not accepted.

Subsequently, at the Plenary session of the second Conference, the Prime Minister, in outlining the future policy of the British Government, stated that since it was extremely undesirable that the introduction of constitutional reforms should be indefinitely blocked by the failure of the communities to reach an agreement, the British Government might be compelled to apply a provisional scheme. He, however,

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ed to this cry, which was being engineered and fostered and encouraged by hostile forces behind the scenes in this country for purposes of their own, through the instrumentality of moribund associations and of similar mushroom organizations, which they helped to float with the rapidity of the prophet's gourd with the avowed purpose of sending representations to the Cabinet the next day, with the result that hundreds of petitions were mercilessly flung in a very short time at the face of a bewildered Secretary of State. This demand and all its unsavoury implications were wholly incompatible with the firm convictions and great traditions of Lord Morley; and Mr. Gokhale took good care to acquaint him with the superficial character of the demand and the manner in which it had been worked up by the forces of reaction in this country. But, as I have said before, he was powerless and had to select between giving the reforms on this condition, or giving no reforms at all. But Lord Morley made his choice under Mr. Gokhale's advice and gave the reforms with the caveat of the communal element attached to them. He knew, however, that it would come in the way of the progress of the country in the future and prevent the union of its different sections into one nation. He, therefore, advised Mr. Gokhale to try and induce his countrymen to get rid of this element at the earliest possible moment in the interests of the country. This Mr. Gokhale and his co-workers endeavoured to do, first at Allahabad in 1910 when the Congress was held in that city under the presidency of Sir William Wedderburn; and finally, at Lucknow when the celebrated Hindu-Moslem Pact was effected. I was present on both the occasions and can vouch for the persistence and determination with which poor Mr. Gokhale and his friends laboured to have this element excluded from our constitution. How far he was able to achieve this end, is known to you as much as to me. The mischievous element of communal considerations was thus first introduced into our constitution with the Morley-Minto Reforms. The subsequent development of this demand and the consequent contamination of this infection to the other minorities, is a matter of history. The love which the forces behind the Government of India showed in the first instance for our Muslim brethren, gradually spread to the non-Brahmins, the depressed classes, the Lingayats, the Marathas, the Sikhs, the Anglo-Indians and the East Indians, with results already known to us all; and last though not least, it has now extended to the Ruling Princes of India! It has already caused serious complications and effectively prevented the different sections and communities in the country from uniting into a nation.

This is how the whole game began; this is how it has been played; this is how it has progressed; and this is where it has landed us. Who can say that those who engineered the plot have not won over us? Their plan to divide and disintegrate us has succeeded only too well. This process is still at work; and the fight between the Princes and the people, whenever it comes,—as come it must,—will be the crowning glory of this pernicious and mischievous move. It is for us, however, to arrest the growth of this communalism and to purge the constitution of it in the national interest. But circumstances do not yet seem to be ripe for such a step.

again pointed out the disadvantages of this course, from the point of view of the Indians themselves, as well as that of the British Government and urged the delegates once more to meet together and endeavour to present the British Government with an agreement. It is thus perfectly obvious, and cannot be too strongly emphasized, that the British Government had, by suggestion and sympathy, done everything in its power to persuade the leaders to arrive at a settlement of their own problems.

In order to provide for continuance of the work on the reforms after the close of the second session of the Round Table Conference, the Prime Minister appointed a small representative Consultative Committee. It was provided that this Committee, which was to work in India, should maintain effective touch with the Prime Minister through His Excellency the Viceroy. It first met in February, 1932, but it quickly became evident that it could not carry out more than a portion of the functions allotted to it so long as the communal problem remained unsolved. In the meantime the Round Table Conference delegates, including those who had been members of the Minorities Committee, had returned to India with the exhortations of the Prime Minister fresh in their minds. They failed, however, to make any serious concerted efforts to arrive at a settlement. The deadlock remained, and the deliberations of the Consultative Committee were thus to a large degree ineffective. The members of the Committee, recognising that not only the progress of their own work, but also the introduction of the reforms themselves, would be jeopardized by the absence of some solution of the communal problem thereupon unanimously agreed to appeal to the British Government to devise a settlement.

The British Government had repeatedly and emphatically indicated their reluctance to interfere in a matter which is entirely the concern of Indians themselves, and had urged that the prospects of the new constitution working smoothly would be greatly increased if an agreed settlement of the communal problem could be devised by the parties concerned, instead of being imposed from outside. Nevertheless, when thus appealed to by the Consultative Committee, they undertook to discharge the difficult and embarrassing function required of them, despite the fact that no such pledges as had previously been asked for had been given. It should be emphasized that since the British Government were reluctant to devise a settlement, and since the Indians appealed to them to do so, the latter have no moral justification whatever for commenting unfavourably on the provisions contained in it. It was solely owing to their sincere desire that the introduction of the reforms should not be unduly delayed that the British Government undertook to perform so distasteful a task at all. The fact should be brought out in the clearest possible manner that it is impossible for any settlement of the communal question to satisfy in full the claims put forward by the various communities. In so far as each party to the dispute has put forward demands for greater representation than the others could agree to, it is inevitable that the terms of the settlement should fall short of what they require. Indeed, the more equitable the settlement is, the more likely is it to prove disappointing to all concerned in it. But since the British Government is entirely disinterested, and in making the award is doing its utmost to solve a most difficult problem in the best interests of all, it is hoped that Indians will accept it in the spirit it is made, and will honestly try to make it work. Finally, it may be mentioned that the Secretary of State has promised that if, before the new Government of India Act is passed, the various Indian communities can reach a general settlement of their own which differs from his, he will willingly accept it."

### Premier's Explanatory Statement

On the publication of the award, the Prime Minister issued the following explanatory statement :—

"Not only as the Prime Minister but as a friend of India who has for the last two years taken a special interest in the questions of minorities, I feel that I ought to add a word or two of explanation to the extremely important decision on communal representation that the Government are announcing to-day.

"We never wished to intervene in the communal controversies of India. We made that abundantly clear during both the sessions of the Round Table Conference when we strove hard to get Indians to settle this matter between themselves. We have realised from the very first that any decision that we may make is likely, to begin with at any rate, to be criticised by every community purely from the point of view

of its own complete demands, but we believe that in the end considerations of Indian needs will prevail and all communities will see that their duty is to co-operate in working the new constitution which is to give India a new place in the British Commonwealth of Nations.

#### SETTLEMENT SUBJECT TO REVISION BY AGREEMENT

'Our duty was plain. As the failure of the communities to agree amongst themselves has placed an almost insurmountable obstacle in the way of any constitutional development, it was incumbent upon Government to take action. In accordance, therefore, with the pledges that I gave on behalf of the Government at the Round Table Conference in response to repeated appeals from representative Indians and in accordance with the statement to British Parliament and approved by it, Government are to-day publishing a scheme of representation in Provincial Assemblies that they intend in due course to lay before Parliament unless in the meanwhile the communities themselves agree upon a better plan.

We should be only too glad if, at any stage before the proposed Bill becomes law, the communities can reach an agreement amongst themselves. But guided by the past experience, Government are convinced that no further negotiations will be of any advantage and they can be no party to them. They will however be ready and willing to substitute for their scheme any scheme whether in respect of any one or more of Governor's provinces or in respect of the whole of British India that is generally agreed and accepted by all the parties affected.

#### THE CASE FOR SEPARATE ELECTORATES

In order to appreciate the Government's decision, it is necessary to remember the actual conditions in which it is being given. For many years past, separate electorates, namely, the grouping of particular categories of voters in territorial constituencies by themselves have been regarded by minority communities as an essential protection for their rights. In each of the recent stages of constitutional development, separate electorates have consequentially found a place. However much Government may have preferred a uniform system of joint electorates, they found it impossible to abolish the safeguards to which minorities still attach vital importance. It would serve no purpose to examine the cause which in the past have led to this state of affairs. I am rather thinking of the future. I want to see the greater and the smaller communities working together in peace and amity so that there will be no further need for a special form of protection. In the meantime, however, Government have to face facts as they are and must maintain this exceptional form of representation.

#### THE POSITION OF THE DEPRESSED CLASSES

There are two features of the decision to which I must allude. One has to do with the depressed classes and the other with the representation of women. Government would be quite unable to justify a scheme which omitted to provide what is really requisite for either. Our main object in the case of the Depressed Classes has been, while securing to them the spokesmen of their own choice in the legislatures of the provinces where they are found in large numbers, at the same time to avoid electoral arrangements which would perpetuate their segregation. Consequentially, Depressed Class voters will vote in general Hindu constituencies and an elected member in such a constituency will be influenced by his responsibility to this section of the electorate, but for the next 20 years there will also be a number of special seats filled from special Depressed Class electorates in the areas where these voters chiefly prevail. The anomaly of giving certain members of the Depressed Classes two votes is abundantly justified by the urgent need of securing that their claims should be effectively expressed and the prospects of improving their actual condition promoted.

#### WOMEN'S RIGHTS

As regards women voters, it has been widely recognised in recent years that the women's movement in India holds one of the keys of progress. It is not too much to say that India cannot reach the position to which it aspires in the world until its women play their due part as educated and influential citizens. There are undoubtedly serious objections to extending to the representation of women the communal method, but if seats are to be reserved for women as such and women members are to be fairly distributed among the communities, there is, in the existing circumstances, no alternative.

With this explanation, I commend the scheme to Indian communities as a fair and honest attempt to hold the balance between the conflicting claims in relation to the existing position in India. Let them take it, though it may not for the moment satisfy the full claims of any of them as a workable plan for dealing with the question of representation in the next period of India's constitutional development. Let them remember, when examining the scheme, that they themselves failed when pressed again and again to produce to us some plan which would give general satisfaction.

#### COMMUNAL CO-OPERATION A CONDITION OF PROGRESS

In the end, only Indians themselves can settle this question. The most that Government can hope for is that their decision will remove an obstacle from the path of constitutional advance and will thus enable Indians to concentrate their attention upon solving the many issues that still remain to be decided in the field of constitutional advance. Let leaders of all Indian communities show, at this critical moment in India's constitutional development, their appreciation of the fact that communal co-operation is a condition of progress and that it is their special duty to put upon themselves the responsibility of making the new constitution work.

## Text of the Award

The following is the text of the Communal Award which was published simultaneously in London and Simla on the 16th. August 1932 :—

(1) In the statement made by the Prime Minister on the 1st December last, on behalf of His Majesty's Government at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both the Houses of Parliament, it was made plain that if the communities of India were unable to reach a settlement acceptable to all parties on the communal questions which the Conference had failed to solve, His Majesty's Government were determined that India's constitutional advance should not, on that account, be frustrated, and they would remove this obstacle by devising and applying themselves a provisional scheme.

(2) On the 19th March last, His Majesty's Government having been informed that the continued failure of the communities to reach an agreement was blocking the progress of the plans for the framing of the new Constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial questions which arose. They are now satisfied that without a decision on at least some aspects of the problems connected with the position of the minorities under the new Constitution, no further progress can be made with the framing of the Constitution.

(3) His Majesty's Government have, accordingly, decided that they will include provisions to give effect to the scheme set out below in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purposely confined to the arrangements to be made for the representation of the British Indian communities in the provincial legislatures, consideration of representation in the legislature at the Centre being deferred for the reason given in paragraph 20 below. The decision to limit the scope of the scheme implies in no way failure to realise that the framing of the Constitution will necessitate decision on a number of other problems of great importance to the minorities, but has been taken in the hope that once a pronouncement has been made upon the basic questions of the method and proportions of representation, the communities themselves may find it possible to arrive at a *modus vivendi* on the other communal problems, which have not as yet received the examination they require.

(4) His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing a modification of it, which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore, before the new Go-



vernment of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme either in respect of any one or more of the Governor's provinces, or in respect of the whole of British India, they will be prepared to recommend to Parliament that the alternative should be substituted for the provisions now outlined.

#### GENERAL FEATURES OF THE SCHEME

(5) Seats in the Legislative Councils in the Governor's Provinces or in the Lower House, if there is an upper chamber, will be allocated as shown in paragraph 24 below :—

(6) Election to the seats allotted to Mahomedan, European and Sikh constituencies will be by voters voting in separate communal electorates covering between them the whole area of the province (apart from any portions which may in special cases be excluded from the electoral area as "backward").

Provision will be made in the constitution itself to empower revision of this electoral arrangement (and other similar arrangements mentioned below) after ten years with the assent of the communities affected, for the ascertainment of which suitable means will be devised.

(7) All qualified electors who are not voters either in a Mahomedan, Sikh, Indian Christian (see para 10), Anglo Indian (see para 11) or European constituency, will be entitled to vote in a general constituency.

(8) Seven seats will be reserved for Mahrattas in certain selected plural-member general constituencies in Bombay.

(9) Members of the "depressed classes" qualified to vote will vote in a general constituency. In view of the fact that, for a considerable period, these classes would be unlikely, by this means alone, to secure any adequate representation in the Legislature, a number of special seats will be assigned to them as shown in para 24 below. These seats will be filled by election from the special constituencies in which only the members of the "depressed classes", electorally qualified, will be entitled to vote. Any person voting in such a special constituency will, as stated above, be also entitled to vote in a general constituency. It is intended that these constituencies should be formed in selected areas where the "depressed classes" are most numerous and that except in Madras they should not cover the whole area of the province.

In Bengal, it seems possible that in some general constituencies, the majority of the voters will belong to the Depressed Classes. Accordingly, pending further investigation, no number has been fixed for members to be returned from the Special Depressed Class constituencies in that Province. It is intended to secure that the Depressed Classes should obtain not less than ten seats in the Bengal Legislature.

The precise definition, in each province of those who (if electorally qualified) will be entitled to vote in the special Depressed Class constituencies, has not yet been finally determined. It will be based, as a rule, on the general principles advocated in the Franchise Committee's report. Modification may, however, be found necessary in some provinces in Northern India, where the application of the general criteria of untouchability might result in a definition unsuitable, in some respects, to the special conditions of the province.

His Majesty's Government do not consider that these special Depressed Classes constituencies will be required for more than a limited time. They intend that the Constitution shall provide that they shall come to an end after twenty years if they have not previously been abolished under the general powers of electoral revision referred to in para 6.

(10) Election to the seats allowed to Indian Christians will be by voters voting in separate communal electorates. It seems almost certain that the formation of Indian Christian constituencies covering the whole area of a province is impracticable and that accordingly, special Indian Christian constituencies will have to be formed only in one or two selected areas in a province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency. Special arrangements may be needed in Bihar and Orissa where a considerable proportion of the Indian Christian community belong to aboriginal tribes.

(11) Election to the seats allotted to Anglo-Indians will be by voters voting in separate communal electorates. It is at present intended, subject to the investigation

of any practical difficulties that may arise that the Anglo-Indian constituencies shall cover the whole area of each province, postal ballot being employed : but no final decision has yet been reached.

(12) The method of filling the seats assigned for representatives from the Backward Areas is still under investigation, and the number of seats so assigned should be regarded as provisional, pending final decision as to the constitutional arrangements to be made in relation to such areas.

(13) His Majesty's Government attach great importance to securing that the new legislature should contain at least a small number of women members. They feel, at the outset, this object could not be achieved without creating a certain number of seats specially allotted to women. They also feel it is essential that women members should not be drawn disproportionately from one community. They have been unable to find any system which would avoid this risk and would be consistent with the rest of the scheme for representation which they have found it necessary to adopt, except that of limiting the electorate for each special women's seat to voters from one community, subject to the exception explained in para 24 below. Special women's seats have accordingly been specifically divided as explained in para 24 below between the various communities. The precise electoral machinery to be employed in these special constituencies is still under consideration.

(14) Seats allotted to "Labour" will be filled from non-communal constituencies. Electoral arrangements have still to be determined, but it is likely that in most provinces Labour constituencies will be partly trade union and partly special constituencies as recommended by the Franchise Committee.

(15) Special seats allotted to Commerce and Industry, Mining and Planting will be filled by election through Chambers of Commerce and various associations. Details of the electoral arrangements for these seats must await further investigation.

(16) Special seats allotted to Land-holders will be filled by election by special Landholders' constituencies.

(17) The method to be employed for election to University seats is still under consideration.

(18) His Majesty's Government have found it impossible in determining these questions of representation in the provincial legislatures, to avoid entering into a considerable detail. There remains, nevertheless, the determination of the constituencies. They intend that this task should be undertaken in India as early as possible.

It is possible in some instances that delimitation of constituencies might be materially improved by a slight variation from the number of seats now given. His Majesty's Government reserve the right to make such slight variations for such a purpose, provided they would not materially affect the essential balance between the communities. No such variations will, however, be made in the case of Bengal and the Punjab.

(19) The question of the composition of Second Chambers in the provinces has so far received comparatively little attention in the constitutional discussions, and requires further consideration before a decision is reached as to which provinces shall have a Second Chamber or a scheme is drawn up for their composition.

His Majesty's Government consider that the composition of a Upper House in a province should be such as not to disturb, in any essential, the balance between the communities resulting from the composition of the Lower House.

(20) His Majesty's Government do not propose, at present, to enter into the question of the size and composition of the Legislature at the Centre, since this involves, among other questions, that of representation of the Indian States which still needs further discussion. They will, of course, when considering the composition, pay full regard to the claims of all the communities for adequate representation therein.

(21) His Majesty's Government have already accepted that Sind should be constituted a separate province if satisfactory means of financing it can be found. As the financial problems involved still have to be reviewed in connection with other problems of Federal Finance, His Majesty's Government have thought it preferable to include at this stage figures for a Legislature for the existing province of Bombay, in addition to the schemes for separate Legislatures for the Bombay Presidency proper and Sind.

(22) The figures given for Bihar and Orissa relate to the existing provinces. The question of constituting a separate province of Orissa is still under investigation.

(23) The inclusion in para 24 below of figures relating to the Legislature for the

Central Provinces including Berar does not imply that any decision has yet been reached regarding the future constitutional position of Berar.

#### ALLOCATION OF SEATS IN PROVINCIAL LEGISLATURES

(24) The following will be the allocation of seats in Provincial Legislatures (Lower House only) :—

Madras: General Seats: 134 (including six women); Depressed Classes: 18; Representative from backward areas 1; Muhammadans 29 (including one woman); Indian Christians 9 (including one woman); Anglo-Indians 2; Europeans 3; Commerce and Industry, Mining and Planting 6; Landholders 6; University 1; Labour 6. Total 215.

Bombay (including Sind): General Seats: 97 (including five women); backward areas 1; Mahomedans 63 (including 1 woman); Indian Christians 3; Anglo-Indians 2; Europeans 4; Commerce, etc., 8; Landholders 3; University 1; Labour 8; Depressed Classes 10; Total 200.

Bengal: General seats 80 (including 2 women); Depressed Classes blank; Mahomedans 119 (including 2 women); Indian Christians 2; Anglo-Indians 4 (including 1 woman); Europeans 11; Commerce, etc., 19; Landholders 5; University 2; Labour 8; Total: 250.

United Provinces: General seats 132 (including 4 women); Depressed Classes 12; Mahomedans 66 (including 2 women); Indian Christians 3; Anglo-Indians 1; Europeans 2; Commerce, etc., 3; Landholders 6; University 1; Labour 3; Total 228.

Punjab: General seats 43 (including one woman); Sikh 32 (including one woman); Mahomedans 86 (including two women); Indian Christians 2; Anglo-Indians 1; Europeans 1; Commerce, etc., 1; Landholders 5; University 1; Labour 3; Total: 173.

Bihar and Orissa: General seats; 99 (including three women); Depressed Classes 7; Representatives from backward areas 8; Mahomedans 42 (including 1 woman); Indian Christians 2; Anglo-Indian 1; Europeans 2; Commerce, etc., 4; Landholders 6; University 1; Labour 4. Total 175.

Central Provinces (including Berar): General seats 77 (including three women); Depressed classes 10; Representatives from backward areas 1; Mahomedans 14; Anglo-Indians 1; Europeans 1; Commerce etc., 2; Landholders 3; University 1; Labour 2. Total: 112.

Assam: General seats 44 (including one woman); Depressed Classes 4; Representatives from backward areas 9; Muhammadans 34; Indian Christians 1; Europeans 1; Commerce etc., 11; Labour 4. Total 108.

North-West Frontier Province: General Seats 9; Sikhs 3; Muhammadans 86; Landholders 3; Total 50.

Seats are also allocated for Bombay without Sind and for Sind as follows :—

Bombay without Sind: General seats 109 (including five women); Depressed Classes 10; Representative from backward areas 1; Muhammadans 30 (including one woman); Indian Christians 3; Anglo-Indians 2; Europeans 3; Commerce etc., 7; Landholders 2; University 1; Labour 7. Total 175.

Sind: General seats 19 (including 1 woman); Muhammadans 34 (including one woman); Europeans 2; Commerce, etc., 2; Landholders 2; Labour 1. Total 60.

As regards seats for commerce and industry, mining and planting, it is stated that "composition of bodies through which election of these seats will be conducted though in most cases either predominantly European or predominantly Indian will not be statutorily fixed. It is accordingly not possible in each province to state certainly how many Europeans and Indians respectively will be returned. It is, however, expected that initially the numbers will be approximately as follows :— Madras, 4 Europeans and 2 Indians; Bombay (including Sind), 5 Europeans and three Indians; Bengal, 14 Europeans and five Indians; United Provinces, 2 Europeans and one Indian; Punjab, one Indian; Bihar and Orissa, 2 Europeans and two Indians; Central Provinces (including Berar), one European and one Indian; Assam, 8 Europeans and three Indians; Bombay (without Sind), 4 Europeans and three Indians; Sind, one European and one Indian."

As regards general seats allocated to Bombay whether inclusive or exclusive of Sind it is stated seven of them will be reserved for Maharattas.

As regards allocation of seats for Depressed Classes in Bengal this number which will not exceed ten has not yet been fixed. The number of general seats will be 80, less the number of special depressed classes seats.

As regards Landholders' seats in the Punjab, it is stated one of these will be a Zamindars seat. Four landholders seats will be filled from special constituencies with Joint Electorates. It is probable from distribution of the electorate that members returned will be one Hindu, one Sikh and two Mahomedans.

As regards allocation of one woman's seat among general seats in Assam, it is stated this will be filled from a non communal constituency at Shillong.

## The Gandhi—MacDonald Correspondence

### Mahatma Decides to Fast

With the publication of the Communal Award, a serious situation arose in connection with the Depressed Classes. Mahatma Gandhi's decision to "fast unto death" if the decision to give separate electorate to Depressed Classes was not abandoned, was conveyed in a correspondence between him and the Premier published on the 12th. September. Mahatma Gandhi wrote a letter to Sir Samuel Hoare on the 11th. March, that he would starve himself to death if the Hindu community was dissatisfied by the grant of separate electorates to the Depressed Classes. He intimated to the Government that, while many other parts of the communal decision were open to very grave objection, they did not warrant such self-immolation as he proposed, by going on a fast on the 20th September which fast he would continue even if he was released.

The only way to stop the fast would be for the Government to revise the decision by including the Depressed Classes in the general electorate under a common franchise, no matter how wide it was. The Premier's reply regretted that the Government's decision could not be changed except under the conditions laid down in that decision.

### Gandhi's Letter to Sir S. Hoare

*The following is the letter from Mahatmaji to Sir Samuel Hoare, dated, Yerwada Central Prison, March 11th. 1932 :—*

"You will perhaps recollect that at the end of my speech at the Round Table Conference when the Minorities claim was presented, I had said that I should resist with my life the grant of separate electorate to the Depressed Classes. This was not said in the heat of the moment nor by way of rhetoric. It was meant to be a serious statement.

"In pursuance of that statement I had hoped, on my return to India, to mobilize public opinion against separate electorate, at any rate for the Depressed Classes. But it was not to be.

"From the newspapers I am permitted to read, I observe that any moment His Majesty's Government may declare their decision. At first, I had thought that if the decision was found to create separate electorates for the Depressed Classes, I should take such steps as I might then consider necessary to give effect to my vow. But I feel it would be unfair to the British Government for me to act without giving previous notice. Naturally, they could not attach the significance I give to my statement.

"I need hardly reiterate all the objections I have to the creation of separate electorates for the Depressed Classes. I feel as if I was one of them. Their case stands on a wholly different footing from that of others. I am not against their representation in the legislatures. I should favour every one of their adults, male and female, being registered as voters irrespective of education or property qualifications, even though the franchise test may be stricter for others. But I hold that separate electorate is harmful for them, and for Hinduism, whatever it may be from a purely political standpoint. To appreciate the harm that separate electorates would do them, one has to know how they are distributed amongst the so-called Caste-Hindus and how dependent they are on the latter. So far as Hinduism is concerned, separate electorate would simply vivisect and disrupt it. For me, the question of these classes is predominantly moral and religious. The political aspect, important though it is, dwindles into insignificance compared to the moral and

religious issue. You will have to appreciate my feelings in this matter by remembering that I have been interested in the condition of these classes from my boyhood, and have more than once staked my all for their sake. I say this not to pride myself in any way. I feel that no penance caste-Hindus may do can, in any way, compensate for the calculated degradation to which they have consigned the Depressed Classes for centuries. But I know that separate electorate is neither penance nor any remedy for the crushing degradation they have groaned under.

"I therefore respectfully inform His Majesty's Government that, in the event of their decision creating separate electorate for the Depressed Classes, I must fast unto death. I am painfully conscious of the fact that such a step, whilst I am a prisoner, must cause grave embarrassment to His Majesty's Government, and that it will be regarded by many as highly improper on the part of one holding my position to introduce into the political field, methods which they would describe as hysterical, if not much worse. All that I can urge in defence is that, for me, the contemplated step is not a method, it is a part of my being. It is the call of conscience which I dare not disobey even though it may cost whatever reputation for sanity I may possess.

"So far as I can see now, my discharge from imprisonment would not make the duty of fasting any the less imperative. I am hoping, however, that all my fears are wholly unjustified and that the British Government have no intention whatever of creating separate electorate for the Depressed Classes.

"It is perhaps as well for me to refer to another matter that is agitating me and which may also enforce a similar fast. It is the way repression is going on. I have no notion when I may receive the shock that would compel the sacrifice. Repression appears to me to be crossing what might be called legitimate. Governmental terrorism is spreading through the land. Both English and Indian officials are being brutalised. The latter, high and low, are becoming demoralised by reason of the Government regarding as meritorious, disloyalty to the people and inhuman conduct towards their own kith and kin. The latter are being cowed down. Free speech has been stifled. Goondaism is being practised in the name of law and order. Women who have come out for public service stand in fear of their honour being insulted. And all this, as it seems to me, is being done in order to crush the spirit of freedom which the Congress represents. Repression is not confined to punishing civil breaches of the common law. It goes on people to break the newly made orders of autocracy, designed, for the most part, to humiliate them.

"In all these doings, as I read them, I see no spirit of democracy. Indeed, my recent visit to England has confirmed my opinion that your democracy is a superficial circumscribed thing. In the weightiest matters, decisions are taken by individuals or groups without any reference to the Parliament and these have been ratified by members having but a vague notion of what they were doing. Such was the case with Egypt and the war of 1914 and such is the case with India. My whole being rebels against the idea that in a system called democratic, one man should have unfettered power of affecting the destiny of an ancient people numbering over three hundred millions, and that his decisions can be enforced by mobilising the most terrible forces of destruction. To me, this is a negation of democracy.

"And this repression cannot be prolonged without further embittering the already bitter relations between the two people. In so far as I am responsible and can help it, how am I to arrest the process? Not by stopping Civil Disobedience. For me it is an article of faith. I regard myself by nature a democrat. The democracy of my conception is wholly inconsistent with the use of physical force for enforcing its will. Civil Resistance therefore, has been conceived to be a proper substitute for physical force, to be used wherever generally the latter is held necessary or justifiable. It is a process of self-suffering, and a part of the plan is that in given circumstances, a civil resister must sacrifice himself even by fasting to a finish. That moment has not yet arrived for me. I have no undeniable call from within for such a step. But events happening outside are alarming enough to agitate my fundamental being. Therefore, in writing to you about the possibility of a fast regarding the Depressed Classes, I felt I would be untrue to you if I did not tell you also there was another possibility, not remote, of such a fast.

"Needless to say, from my side absolute secrecy has been maintained about all the correspondence I have carried on with you. Of course, Sardar Vallabhbhai Patel and Mr. Mahadev Desai, who have just been sent to join us, know all about it. But you will no doubt make whatever use you wish of this letter."

## Sir Samuel Hoare's Reply

*The following is the letter dated April 13th. 1932, from Sir Samuel Hoare to Mahatma Gandhi :—*

"I write in answer to your letter of the 11th March and I say at once that I realise fully the strength of your feeling upon the question of separate electorates for the Depressed Classes. I can only say that we intend to give you any decision that may be necessary solely and only upon the merits of the case. As you are aware, Lord Lothian's Committee has not yet completed its tour, and it must be some weeks before we can receive any conclusion which it may have arrived. When we receive the report we shall have to give most careful consideration to its recommendations and we shall not give a decision until we have taken into account, in addition to the views expressed by the Committee, the views that you and those who think with you have so forcibly expressed. I feel sure that if you were in our position, you would be taking exactly the same action we intend to take. You would await the Committee's Report, you would then give it your fullest consideration, and before arriving at a final decision, would take into account the views that have been expressed on both sides of the controversy. More than this, I cannot say. Indeed, I do not imagine that you would expect me to say more.

"As to the Ordinances, I can only repeat what I have already said, both publicly and privately. I am convinced that it was essential to impose them in the face of the deliberate attack upon the very foundations of ordered government. I am also convinced that both the Government of India and the Local Government are not abusing their extensive powers, and are doing everything possible to prevent excessive or vindictive action. We shall not keep the emergency measures in force any longer than we are obliged to for the purpose of maintaining the essentials of law and order, and protecting our officials and other classes of the community against terrorist outrages."

## Gandhiji's Letter to Mr. MacDonald

*The following is a letter from Gandhiji, dated Yervada Central Prison, August 18, to the Prime Minister :—*

"There can be no doubt that Sir Samuel Hoare has showed you and the Cabinet my letter to him of 11th March on the question of the representation of the 'Depressed Classes'. That letter should be treated as part of this letter, and be read together with this.

"I have read the British Government's decision on the representation of the minorities and have slept over it. In pursuance of my letter to Sir Samuel Hoare and my declaration at the meeting of the Minorities Committee of the Round Table Conference on the 13th November 1931, at St. James' Palace, I have to resist your decision with my life. The only way I can do so is by declaring a perpetual fast unto death from food of any kind save water with or without salt and soda. This fast will cease if, during its progress, the British Government, of its own motion or under the pressure of public opinion, revise their decision and withdraw their scheme of communal electorates for the Depressed Classes, whose representatives should be elected by general electorates under common franchise—no matter how wide it is.

"The proposed fast will come into operation in the ordinary course from the noon of 20th September next, unless the said decision is meanwhile revised in the manner suggested above.

"I am asking the authorities here to cable the text of this letter to you, so as to give you ample notice. But, in any case, I am leaving sufficient time for this letter to reach you in time by the slowest route.

"I also ask that this letter and my letter to Sir Samuel Hoare, already referred to, be published at the earliest possible moment. On my part, I have scrupulously observed the rule of the Jail, and have communicated my desire or the contents of the two letters to no one save my two companions Sardar Vallabhbhai Patel and Sit. Mahadev Desai. But I want, if you make it possible, public opinion to be affected by any letters. Hence, my request for their early publication.

"I regret the decision that I have taken. But as a man of religion that I hold myself to be, I have no other course left open to me. As I have said in my letter to Sir Samuel Hoare, even if His Majesty's Government decided to release me in

order to save themselves embarrassment, my fast will have to continue. For, I cannot now hope to resist the decision by any other means. And I have no desire whatsoever to compass my release by any means other than honourable.

"It may be that my judgment is warped, and that I am wholly in error in regarding separate electorates for the 'Depressed Classes' as harmful to them or Hinduism. If so, I am not likely to be in the right with reference to other parts of my philosophy of life. In that case, my death by fasting will be at once a penance for my error, and a lifting of a weight from off those numberless men and women who have a childlike faith in my wisdom. Whereas if my judgment is right, as I have little doubt it is, the contemplated step is but a due fulfilment of the scheme of life which I have tried for more than a quarter of a century apparently not without considerable success.

### The Premier's Reply

*Letter from Mr. Ramsay MacDonald, 10, Downing Street, dated September, 8th. 1932 :-*

"I have received your letter with much surprise, and let me add with very sincere regret. Moreover, I cannot help thinking that you have written it under a misunderstanding as to what the decision of His Majesty's Government as regards the Depressed Classes really implies.

"We have always understood that you were irrevocably opposed to permanent segregation of the Depressed Classes from the Hindu community. You made your position very clear on the Minorities Committee of the Round Table Conference, and you expressed it again in the letter you wrote to Sir Samuel Hoare on the 11th March. We also knew that your view was shared by a great body of Hindu opinion, and therefore took it into most careful account when we were considering the question of the representation of the Depressed Classes.

"Whilst in view of the numerous appeals we have received from the Depressed Classes organisations and the generally admitted social disabilities under which they labour, and which you have recognised, we felt it our duty to safeguard what we believed to be the right of the Depressed Classes to a fair proportion of representation in the legislatures, we were equally careful to do nothing that would split off their community from the Hindu world. You yourself stated in your letter of March 11th. that you were not against their representation in the legislatures. Under the Government's scheme, the Depressed Classes will remain part of the Hindu community and will vote with the Hindu electorate on an equal footing, but for the first twenty years, while still remaining electorally part of the Hindu community, they will receive, through a limited number of special constituencies, the means of safeguarding their rights and interests that we are convinced is necessary under the present conditions. Where these constituencies are created, the members of the Depressed Classes will not be deprived of their votes in the general Hindu constituencies, so that their membership of the Hindu community should remain unimpaired. We decided against the creation of what you described as communal electorates for the Depressed Classes voters in the general or Hindu constituencies, so that the higher caste candidates should have to solicit their votes of higher castes at the election. Thus, in every way, was the unity of Hindu society preserved.

"We felt, however, that during the early period of Responsible Government, when power in the Provinces would pass to whoever possessed a majority in the Legislatures, it was essential that the Depressed Classes whom you have yourself described in your letter to Sir Samuel Hoare as having been consigned by Caste-Hindus to calculated degradation for centuries, should return a certain number of members of their own choosing to the legislatures of seven of the nine Provinces to voice their grievances and their ideals and prevent decisions going against them without the legislature and Government listening to their case—in a word to place them in a position to speak for themselves, which every fair-minded person must agree to be necessary. We did not consider the method of electing special representatives by reservation of seats in the existing conditions under any system of franchise which is practicable, of members who could genuinely represent them and be responsible for them, because in practically all cases such members would be elected by a majority consisting of the Higher Caste Hindus.

"The special advantage initially given under our scheme to the Depressed Classes, by means of a limited number of special constituencies in addition to their normal electoral rights in the general Hindu constituencies, is wholly different in concep-

tion and effect from the method of representation adopted for a minority such as Moslems, by means of separate communal electorate. For example, a Moslem can not vote or be a candidate in a general constituency, whereas any electorally qualified member of the Depressed Classes can vote in and stand for general constituency. The number of territorial seats allotted to Moslems is naturally conditioned by the fact that it is impossible for them to gain any further territorial seats, and in most provinces they enjoy weightage in excess of their population ratio. The number of special seats to be filled from special Depressed Class constituencies will be seen to be small, and has been fixed, not to provide a quota numerically appropriate for the total representation of the whole of the Depressed Class population, but solely to secure a minimum number of spokesmen for the Depressed Classes in the legislature who are chosen exclusively by Depressed Classes. The proportion of their special seats is everywhere much below the population percentage of the Depressed Classes.

"As I understand your attitude, you propose to adopt the extreme course of starving yourself to death, not in order to secure that the Depressed Classes should have joint electorates with other Hindus, because that is already provided, nor to maintain the unity of the Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disabilities to-day, from being able to secure a limited number of representatives of their own choosing to speak on their behalf in the legislatures, which will have a dominating influence over their future. In the light of these very fair and cautious proposals, I am quite unable to understand the reason of the decision you have taken and can only think that you have made it under a misapprehension of the actual.

"In response to a very general request from Indians after they had failed to produce a settlement themselves, the Government, much against its will, undertook to give a decision on the Minorities question. They have now given it, and they cannot be expected to alter it except on the conditions they have stated. I am afraid, therefore, that my answer to you must be that the Government's decision stands, and that only an agreement of the communities themselves can substitute other electoral arrangements for those that the Government have devised, in a sincere endeavour to weigh conflicting claims on their just merits.

"You ask that these correspondence, including your letter to Sir Samuel Hoare of March 11th., should be published. As it would seem to me unfair if your present intendment were to deprive you of the opportunity of explaining to the public the reason why you intend to fast, I readily accede to the request if, on reconsideration, you repeat it. Let me, however, once again urge you to consider the actual details of the Government's decision, and ask yourself seriously the question whether it really justifies you in taking the action you contemplate."

#### Gandhi's Final Letter to MacDonald

*Letter from Mahatma Gandhi, dated the Yeravada Central Prison, 9th. September, to Mr. Ramsay MacDonald:—*

"I have to thank you for your frank and full letter telegraphed and received this day. I am sorry, however, that you put upon the contemplated step an interpretation that never crossed my mind. I have claimed to speak on behalf of the very class, to sacrifice whose interests you impute to me a desire to fast myself to death. I had hoped that the extreme step itself would effectively prevent any such selfish interpretation. Without urging, I affirm, that for me, this matter is one of pure religion. The mere fact of the Depressed Classes having double votes does not protect them or the Hindu society in general from being disrupted. In the establishment of separate electorate at all for the Depressed Classes, I sense the injection of a poison that is calculated to destroy Hinduism, and do no good whatever to the Depressed Classes.

"You will please permit me to say, no matter how sympathetic you may be, you cannot come to a correct decision on a matter of such vital and religious importance to the parties concerned. I should not be against even over-representation of the Depressed Classes. What I am against is their statutory separation, even in a limited form, from the Hindu fold so long as they choose to belong to it.

"Do you realise that, if your decision stands and the constitution comes into being, you arrest the marvellous growth of the work of the Hindu reformers who have dedicated themselves to the uplift of their suppressed brethren in every walk of



life? I have therefore been compelled reluctantly to adhere to the decision conveyed to you.

"As your letter may give rise to a misunderstanding, I wish to state that the fact of my having isolated for special treatment the Depressed Classes question from other parts of your decision, does not in any way mean that I approve of or am reconciled to other parts of the decision. In my opinion, many other parts are open to a very grave objection. Only, I do not consider them to be any warrant for calling from me such self-immolation as my conscience has prompted me to in the matter of the Depressed Classes."

### Stir in the Country—Government Bewildered

As is evident from the correspondence mentioned above, Mahatma Gandhi decided to fast himself to death unless the provision in the decision of the British Government, that the special seats, assigned to the Depressed Classes will be filled by election from special constituencies in which only members of the Depressed Classes electorally qualified will be entitled to vote, was withdrawn by the British Government and was replaced by one providing that representatives of the Depressed Classes would be elected by the general electorate under a common franchise.

This created an unprecedented stir from one end of the country to another. The leaders of different political denominations were stunned by the news. There was a strong opinion in the country for his immediate release and this was voiced in a resolution moved by the members of the Indian Legislative Assembly. In pursuance of this, a statement was made by the Home Member in the Assembly on the 15th September 1932. The Home Member said: "Mr. Gandhi has made it clear by his correspondence with the Prime Minister that he is proposing to starve himself to death not as a protest against his detention nor with the object of securing his release but on a point of principle which is not related to the civil disobedience movement. It has been decided that as soon as Mr. Gandhi actually begins his fast he should be removed from jail to a suitable place or private residence and the only restriction that will be imposed upon him there, as at present contemplated, is that he should be served with an order directing him to remain there. We hope it will prove unnecessary to impose any further restrictions on Mr. Gandhi, but this is a matter that will depend primarily on whether the liberty accorded to him is found to lend itself to the promotion of the civil disobedience movement or any similar agitation directed against the Government or to affect the maintenance of law and order."

Mahatmaji however wrote to the authorities refusing conditional release. Following this, another statement was made by the Government both in the Assembly and in the Bombay Council. The statement runs as follows:—"The Government while replying to Mr. Gandhi's decision have no wish to force upon him an arrangement distasteful to him. He will, therefore, in accordance with his request, be allowed to remain undisturbed in the Yervada Jail. At the same time Government are most anxious that this change of plan should not affect opportunities for the discussion of the depressed class problem, which, they had contemplated, should be available for him. They have therefore decided that, unless subsequent developments render any change necessary, he should receive in the jail all reasonable facilities, such as private interviews with such persons or deputations as he may wish to see and that there should be no restriction on his correspondence."

### MAHATMA BEGINS HIS FAST

Tuesday, September 20, 1932 will be remembered as a National Day. The fateful fast began on that day in the Yervada Jail, Poona and a whole nation with an anxious heart offered its prayers to God Almighty to preserve the Mahatma for the sake of the Motherland whose eldest son and first servant he has made himself.

The fast began at 12 noon with a Hindi prayer song composed by Miss Tyabji, daughter of Mr. Abba Tyabji, beginning with the lines:—"O traveller, get up, leave your bed, because it is daybreak." Sardar Vallabhbhai and Mr. Mahadeo Desai were present at the time the fast began and both joined him in the fast for two days. Mahatma Gandhi's last meal was taken at 11-30, consisting of hot water, soda, honey and two sweet lime fruits. In the course of an interview, Mahatma Gandhi stressed the ethical and spiritual aspect of fasting, referred to the example of Christ

and Mahomed, and said he was entering it—on a much humbler and lower scale—so that he could engage in 'a tussle with God.'

After a very cordial greeting to press representatives, he almost immediately plunged into the question uppermost in his mind with his accustomed directness. After preliminary questions about details of his regime during the period of his fast, he was asked to give his views on Dr. Ambedkar's demand that he should state his position in detail and lay his cards on the table.

'My card have always been on the table,' said Mahatma Gandhi, and continued, 'so far as the present instance is concerned, I could say nothing whatever from behind the prison bars. Now that I have got an opportunity which was given me only a few hours ago I have answered the first call from the press. Had the statement I sent to Government on the 15th been immediately issued to the press, that statement would have explained my decision. Briefly put, it is this that my fast is only against separate electorates, and not against a statutory reservation of seats. To say that I damage the cause by my uncompromising opposition to statutory reservation of seats for the suppressed class is only partly true. Opposed I certainly was to statutory reservation—as I am not—but there never was put before me a scheme of statutory reservation for acceptance or rejection. Therefore, there was no question of my having to decide upon that point. When I developed my own idea about statutory reservation, I certainly expressed my emphatic disapproval and in my humble opinion statutory reservation instead of doing service to the suppressed classes will do them harm in the sense that it will stop their national evolution. The statutory reservation is like a support and the man who relies upon support to that extent weakens himself.

'If people will not laugh at me, I would gently put in the claim which I have always asserted, namely, that I am touchable by choice, and I have endeavoured in my own fashion to qualify myself to represent not the upper ten even amongst the untouchables—because be it said to our shame there are castes and classes even among the untouchables. My ambition, therefore, has been to represent and identify myself so far as possible with the lowest strata among the untouchables, namely, the invisibles and unapproachables whom I always have before my mind's eye wherever I go, for I have drunk deep of this poison cup. I met them in Malabar, I met some of them in Orissa, and I am convinced if they are ever to rise, it will not be by reservation of seats, it will be by strenuous work done by Hindu reformers in their midst, and it is because I feel that this separation would have killed all prospect of reform that my whole soul rebelled against it.

'Let me make it plain that the withdrawal of separate electorate will satisfy the letter of my vow : it will never satisfy the spirit behind it, and in my capacity of a self-chosen untouchable I am not going to rest content with a patched-up pact between the touchables and the untouchables. What I want, what I am living for and what I should delight and dying for is the eradication of untouchability root and branch. I want, therefore, a living pact whose life-giving effect should be felt not in the distant to-morrow but to-day, and therefore, that pact should be sealed by an all-India demonstration of the touchables meeting together not by way of a theatrical show but in real brotherly embrace and it is in order to achieve this dream of my life for the past 50 years that I have entered the fiery gate. The British Government's decision was the last straw, a decisive symptom. Therefore with the unerring eye of a physician, that I claim to be in such matters, I detected the symptom and, therefore, for me the abolition of the separate electorate would be but the beginning of the end and I warn all those leaders who are assembled by and others against coming to any hasty decision. My life, I count of no consequence. Hundreds of such lives given for the noble cause would, in my opinion, be a poor penance done by the Hindus for the atrocious wrong heaped on the helpless men and women of their own faith. I, therefore, would urge them not swerve an inch from the path of the strictest justice. My fast I want to throw in the scales of justice and it wakes up caste Hindus from their (slumber?). This has no connection with politics in any shape or form—not that it will have no political results, but the fundamental thing is the religious and moral aspect. I take religion here in the broadest sense of the term, because in attacking untouchability I believe I have gone to the very root of the matter and, therefore, it is an issue of transcendental value far surpassing Swaraj in terms of a political constitution and I would say such a constitution would be a dead weight if it was not backed by a moral basis in the shape of the present hope engendered in the breasts of the down-trodden millions that the deadweight was going to be

lifted off their shoulders, and it is only because the English officials cannot possibly see this living side of the picture, that in ignorance and self-satisfaction they dare sit as judges upon questions that affect the fundamental being of millions of people, and here I mean both caste Hindus and untouchables, that is, the suppressors and the suppressed, and it was in order to wake up even officialdom from its gross ignorance, if I may make use of this expression without being guilty of giving offence, that I felt impelled by the voice from within to offer resistance with the whole of my being.'

Mahatma Gandhi deprecated sympathetic fasts by others. 'Because this is a fast I have undertaken, as I firmly believe, at God's call. Therefore, unless there is a similar definite call from within for the person he has no business to fast. To fast one day for the sake of purification or demonstration of one's identification with the cause is any day a good thing and perfectly defensible, but I have received several telegrams from people telling me that they propose to fast till this decision of His Majesty's Government is revoked. I am sure if anybody fasts like that he would be setting a bad example and it would do no good either to himself or anybody else and it is very likely to do such person spiritual harm.'

'My fast I want to throw in the scales of justice, and if it wakes up caste Hindus from their slumber and if they are roused to a sense of their duty it will have served its purpose, whereas if out of blind affection for me they would somehow or other come to a rough and ready agreement so as to secure the abrogation of separate electorate and then go off to sleep, they will commit a grievous blunder. They will have made my life a misery, for while the abrogation of separate electorate would result in the breaking of the fast I would be in living death. If the vital pact wherefor I am striving is not arrived at, it will simply mean that as soon as I call off the fast I would have to give notice of another in order to achieve the spirit of the vow to the fullest extent. It may seem childish to an onlooker, not so to me. If I had anything more to give I would throw that also in for removing this curse, but I have nothing more than my life. I believe if untouchability is really rooted out from Hinduism it will not only purge Hinduism of a terrible blot but its repercussions would be worldwide. My fight against the impure in humanity and, therefore, when I penned my letter to Sir Samuel Hoare, I did so in full faith that the very best in the human family will come to my assistance. If I have embarked on this thing, with a heart, as far as it is possible for a human being to achieve, free of impurity, free of all malice and all anger. You will, therefore, see that this fast is based on faith, first of all in the cause, faith in Hindu humanity, faith in human nature itself and faith even in the official world.'

### Mahatma's Statement to Bombay Government

The following is the statement that Mahatma Gandhi had sent to the Bombay Government on the 15th. September on his decision to fast :-

'The fast which I am approaching was resolved upon in the name of God for His Work and, as I believe, in all humanity, at His call. Friends have urged me to postpone the date for the sake of giving the public a chance to organise itself. I am sorry it is not open to me to change even the hour except for the reason stated in my letter to the Prime Minister. The impending fast is against those who have faith in me, whether Indians or foreigners, and for those who have it not. Therefore it is not against the English official world, but it is against those Englishmen and women, who in spite of the contrary teaching of the official world, believe in me and the justice of the cause I represent. Nor is it against those of my countrymen who have no faith in me whether they be Hindus or others, but it is against those countless Indians (no matter to what persuasion they belong) who believe that I represent a just cause. Above all, it is intended to sting the Hindu conscience into right religious action. The contemplated fast is no appeal to mere emotion. By fast I want to throw the whole of my weight (such as it is), in the scales of justice, pure and simple. Therefore, there need be no undue haste in feverish anxiety to save my life. I implicitly believe in the truth of the saying that not a blade of grass moves but by His will. He will save it if He needs it for further service in this body. None can save it against His will. Humanly speaking, I believe it will stand the strain for some time.

'Separate electorate is merely the last straw. No patched-up agreement between the ~~main~~ Hindu leaders and rival 'depressed' class leaders will answer the purpose.

"The agreement to be valid has to be real. If Hindu mass-mind is not yet prepared to banish untouchability, root and branch, it must sacrifice me without the slightest hesitation. There should be no coercion of those who are opposed to joint electorate. I have no difficulty in understanding their bitter opposition. They have every right to distrust me. Do I not belong to that Hindu section, mis-called superior class or caste Hindus, who have remained nevertheless in the fold? But whilst I can justify this opposition, I believe that they are in error. They will, if they can, separate the 'depressed' classes entirely from the Hindu society and from them into a separate class—a standing and living reproach to Hinduism. I should not mind if thereby their interest could be really served. But an intimate acquaintance with every shade of untouchability convinced me that their lives, such as they are so intimately mixed with those of the caste Hindus in whose midst and for whom they live, that it is impossible to separate them. They are part of an individual family. Their revolt against Hindus with whom they live and their apostasy from Hinduism, I should understand, but this, so far as I can see, they will not do. There is a subtle something—quite indefinable—in Hinduism which keeps them in it even in spite of themselves. And this fact makes it imperative for a man like me with a living experience of it to resist the contemplated separation even though the effort should cost my life itself.

"The implications of this resistance are tremendous. No compromise which does not ensure the fullest freedom for the depressed classes inside the Hindu fold can be an adequate substitute for the contemplated separation. Any betrayal of trust can merely postpone the day of immolation for me and henceforth for those who think with me. The problem before responsible Hindus is to consider whether in the event of social, civic or political persecution of the depressed classes they are prepared to face *satyagraha* in the shape of perpetual fast not of one reformer like me but an increasing army of reformers who I believe to exist to-day in India and who will count their lives of no cost to achieve the liberation of these classes and there through Hinduism of an age long superstition. Let fellow reformers who have worked with me also appreciate the implications of the fast. It is either a hallucination of mine or an illumination—if it is the former I must be allowed to do my penance in peace. It will be lifting of a dead weight on Hinduism if it is illumination. May my agony purify Hinduism and even melt the hearts of those who are at present disposed to disturb me.

"Since there appears to be a misunderstanding as to the application of my fast, I may repeat that it is aimed at statutory separate electorate in any shape or form, for the depressed classes. Immediately that threat is removed once for all my fast will end. I hold strong views about reservation of seats, as also about the most proper method of dealing with the whole question. But I consider myself unfit as a prisoner to set forth my proposals. I should, however, abide by any agreement on the basis of joint electorates that may be arrived at between responsible leaders of caste Hindus and the depressed classes and which has been accepted by mass meetings of all Hindus. One thing I must make clear. A satisfactory ending of the depressed classes question, if it is to come, should in no way (be construed?), that I would be committed to the acceptance of His Majesty's Government's decision on other parts of the communal question. I am personally opposed to many parts of it which to my mind make the working of any free democratic constitution well nigh impossible. Nor would a satisfactory solution of this question in any way bind me to accept the constitution that may be framed. These are political questions for the National Congress to consider and determine. They are utterly outside my province in my individual capacity. Nor may I as a prisoner air my individual views on these questions. My fast has a narrow application.

"The depressed classes' question being predominantly a religious matter, I regard it as specially my own by reason of the lifelong concentration on it. It is a sacred personal trust which I may not shirk. Fasting for light and penance is a hoary institution, I have observed it, in Christianity and Islam. Hinduism is replete with instances of fasting for purification and penance. But it is a privilege: it is also a duty. Moreover to the best of my light I have reduced it to a science. As an expert, therefore, I would warn friends and sympathisers against copying blindly or out of false or hysterical sympathy. Let all such qualify themselves by hard work and selfless service of the untouchables and they would have independent light, if their time for fasting has come. Lastly, in so far as I know myself, this fast is being undertaken with the purest of motives and without malice or anger against any single soul. For me it is an expression of, and the last seal on, non-violence.

Those, therefore, who would use violence in this controversy against those whom they may consider to be inimical to me or the cause I represent, will simply hasten my end. Perfect courtesy and consideration towards opponents is an absolute essential of success in this cause at least if not in all causes."

### Significance of the Fast—Tagore's Interpretation

The following is an authorised translation of Dr. Rabindranath Tagore's speech delivered before the students and staff of the Vishva-Bharati University at Shantiniketan on the 20th. September 1932:—

"A shadow is darkening to-day over India like a shadow cast by an eclipsed sun. The people of a whole country is suffering from a poignant pain of anxiety, the universality of which carries in it a great dignity of consolation. Mahatmaji who through his life of dedication has made India his own in truth has commenced his vow of extreme self-sacrifice.

"Each country has its own inner geography where her spirit dwells and where physical force can never conquer even an inch of ground. Those rulers who come from outside remain outside the gate and directly they are called away from the cloud-topping tower of their foreign possessions the stupendous fabric of unreality vanishes in the void. But the great soul who achieves victory through the power of truth continues his dominion even when he is physically no longer present. And we all know such achievement belongs to Mahatmaji. And the fact that he stakes his life for a further and final realisation of his hope fills us with awe and makes us think.

"At this solemn moment we have a cause for fear. It is our unfortunate habit to reduce the truth that belongs to the inner spirit into signs and observances that are external and after a cheap welcome to bid it adieu. Our leaders have requested us to observe fasting for this day, and there is no harm in it. But there is the risk of some unthinking people putting it in the same category with the fasting that Mahatmaji has begun to observe. Nothing can be more disastrous for us than the utter lessening of the value of a heroic expression of truth by paying it the homage of a mere ceremonial expression of feeling by a people emotionally inclined.

The penance which Mahatmaji has taken upon himself is not a ritual but a message to all India and to the world. If we must make that message our own we should accept it in the right manner through a proper process of realisation. The gift of sacrifice has to be received in a spirit of sacrifice.

"Let us try to understand the meaning of his message. From the beginning of human history there has continued the cleavage between classes, some favoured by circumstances exploiting the weakness of others and building the stronghold of their own pride of superiority upon the humiliation of a large section of the community. Though this practice has been prevalent for long, yet we must assert that it is against the true spirit of them. No civilised society can thrive upon victims whose humiliation has been permanently multiplied, whose minds have been compelled to dwell in the dark. Those whom we keep down, inevitably drag us down and obstruct our movement in the path of progress; the indignity with which we burden them grows into an intolerable burden to the whole country; we insult our own humanity by insulting Man where he is helpless or where he is not of our own kin.....

"The concrete fact of inequities between individuals and races cannot be ignored but to accept it as absolute and utilize it to deprive men of their human rights and comradeship is a social crime that multiplies fast in its heinousness. We who imagine ourselves superior to those whom we have tied down to their abasement are punished by enfeebling them and losing them from us. The weakness engendered by such alienation has been one of the principal causes of defeat in all our historical conflicts. Where numerous divisions have been made among the people by dark gaps of dishonour, balance is upset, social structure is ever in danger of toppling over. The signs of such trials are not lacking in the western continents where the chasm between wealth and want is widening and is darkly nourishing earthquakes in its depth. The moral channels of communication should never be obstructed if man must be saved from degeneracy or destruction.

"Mahatmaji has repeatedly pointed out the danger of those divisions in our country that are permanent insults to humanity, but our attention has not been drawn to the importance of its rectification with the same force as it has been to the importance of the *Khaddar*. The social inequities upon which all our enemies find their principal support have our time-honoured loyalty making it difficult for us to uproot

them. Against that deep-seated moral weakness in our society, Mahatmaji has pronounced his ultimatum and though it may be our misfortune to lose him in the battlefield, the fight will be passed to every one of us to be carried on to the final end. It is the gift of the fight which he is going to offer to us and if we do not know how to accept it humbly and yet with proud determination, if we cheaply dismiss it with some ceremonials to which we are accustomed and allow the noble life to be wasted with its great meaning missed, then our people will passively roll down the slope of degradation to the blankness of utter futility.

It is not possible for us to realise what effect Mahatmaji's action will have upon the people who govern us, and to-day it is not the day for us to discuss its political aspects. Only one thing we must make clear to those who seem to have our destiny in their hands. We have observed that the English people are puzzled at the step that Mahatmaji has been compelled to take. They confess that they fail to understand it. I believe that the reason of their failure is mainly owing to the fact that the language of Mahatmaji is fundamentally different from their own. His method of protest is not in accord with the method which they usually follow in cases of grave political crisis. I ask them to remember the terrible day of atrocities when a dismemberment was being forced between Ireland and the rest of Great Britain. Those Englishmen who imagined it to be disastrous to the integrity of their Empire did not scruple to kill and be killed, even to tear into shreds the decency of civilised codes of honour. The West is accustomed to such violent outbursts in times of desperation and therefore such a procedure did not seem strange to them though to some of them it must have appeared wrong. The dismemberment of a large portion of Hindu society is certainly fatal to its wholeness and when all our appeals are stubbornly dismissed, the reason should not be incomprehensible to other people as to why Mahatmaji is voicing the extreme form of protest on behalf of India. It asks them to imagine what would have happened when the Roman Catholic community of England suffered from a forcible deprivation of its common rights, if some foreign power would come and with efficient benevolence alienate them from the rest of the nation. Very likely the people would resort to the method of protest which they consider as honourable in its red fury of violence. In our case, the feeling may be similar though Mahatmaji has made use of its expression which is his own. The message of non-violence so often expressed by him in words and in deeds finds to-day its final exposition in a great language which should be easiest to understand.

### Pt. Malaviya's Clarion Call

Following the release of the correspondence, Pandit Madan Mohan Malaviya appealed on the 13th. September 1932 to the leaders of the Depressed Classes and to all other Hindu leaders to meet and discuss matters with the determination to come to an agreement. In course of the appeal he said :—"Mr. Ramsay MacDonald has coldly said that the decision of the British Government stands but he added that an agreement of the communities themselves can substitute other electoral arrangements for those the Government has devised. There is no Hindu who has done more both by precept and example for the uplift of the depressed classes than Mahatma Gandhi. He has frequently stated that he regards special electorate for depressed classes as harmful to them as to Hinduism. He has given conclusive proof of his conviction by his resolution to give up life as a last protest against the segregation of the depressed classes and widening the gulf between them and the rest of the Hindu community which Mahatma Gandhi and other Hindu reformers have been doing their very best to bridge. The British Government may not be perturbed by the thought that the life of the most honoured Indian would be sacrificed at the altar of their decision. But no Indian can bear the thought of such a loss to the Motherland and mankind. It is a matter of pain that we were not able to come to an agreement among ourselves regarding the representation of the depressed classes as also generally of the Hindus, Muslims and Sikhs in the legislatures of the future. But it will be a national disaster and an indelible shame if the leaders of the depressed classes and the rest of the Hindu community fail even in the face of loss which stares us to arrive at an agreement on this question. Despite our failure in the past I honestly believe that there is enough of patriotism and true devotion to religion among us to help us to arrive at an agreement which will satisfy the reasonable desire of the leaders of the depressed classes to take their proper share in the public life of the Motherland without segregating them from the rest of the community in which they are born and to which they adhere in spite of the disadvantages to which they have been exposed.

## The Leaders' Conference

Behind closed doors, in the boardroom of the Indian Merchants' Chamber, Bombay Hindu leaders from all over India met under the presidency of Pandit Madan Mohan Malaviya, on the 19th. September 1932, to seek a solution of the impasse presented by Mahatma Gandhi's decision to fast. The Conference was a representative one, as all schools of thought from almost all the Provinces were represented. In the words of one of the prominent leaders attending the Conference, it was a meeting "in a spirit of accommodation and optimism." Sir Tej Bahadur Sapru had a long talk with Mr. M. E. Jayakar and Pandit Malaviya before the Conference commenced. Prominent among those who were present at the Conference were Pandit Malaviya, Mr. C. Rajagopalachari, Babu Rajendra Prasad, Mr. M. C. Raja, Dr. B. S. Moonje, Sir Chimanlal Setalvad, Mr. M. E. Baloo, Mr. T. Prakasam, Dr. Ambedkar, Dr. Solonky, Mr. G. K. Natarajan, Mr. M. S. Aney, Mr. G. K. Devadhar, Mr. A. V. Thakkar, Sir Govind Madgavkar, Dr. Choithram, Mr. Gidwani, Swami Satyananda, Mr. D. P. Khaitan, Mrs. Hanes Mehta, Mrs. Anusuya Bai Gokhale, Mr. Walchand Hirachand, Mr. P. J. Deorukhar, Mr. Raja Rao, Mrs. Kamala Nehru and Pandit Hridayanath Kunzru. Over 100 delegates from all parts of the country, representing both Caste-Hindus and Depressed Classes, were present. Pandit Malaviya was voted to the chair.

Telegrams from various individuals and associations wishing success to the Conference were read by Dr. Choithram.

Pt. Malaviya then explained the purpose of the Conference, emphasising the gravity of the situation and the absolute necessity of a speedy settlement.

A general discussion followed wherein several persons including Dr. Ambedkar, Dr. Moonje, Mr. Rajagopalachari and some Depressed Class representatives took part. The unanimous feeling was that Mahatma Gandhi's life must be saved.

Dr. Ambedkar pressed that Mahatma Gandhi's proposals must be obtained first before he and his friends could discuss the matter.

Mr. Rajah asked the Caste-Hindu leaders, particularly Pt. Malaviya, to give them an assurance that they would strive their utmost to remove the various disabilities imposed upon the Depressed Classes, particularly those regarding public temples, roads, wells and schools, and suggested that a resolution to that effect be adopted by the Conference.

Pt. Malaviya, in endorsing the idea whole-heartedly, said that he himself had been actively propagating for years the removal of such restrictions, and announced, amidst applause, that almost all the important temples in Allahabad, including the humble one in his own house, had been thrown open to "untouchables."

It was decided to take up the resolution suggested by Mr. Rajah on the next day after which the Conference adjourned.

### 2nd. Day—Bombay, 20th. September 1932

Sir Tej Bahadur Sapru, Mr. Jayakar, Mr. Kelkar and four Hindu deputationists were present at to-day's meeting of the Conference.

At the outset, the Deputationists were requested to state what happened at the interview with Mr. Gandhi and the views of Mr. Gandhi regarding the question.

Sir Chhunilal V. Mehta, on behalf of the deputation, stated that they had two hours' interview with Mr. Gandhi. Mr. Gandhi was definitely opposed to separate electorates and did not approve of joint electorates with reservation of seats, but however he left it to the Conference to draw up a formula regarding settlement and if the Conference was in favour of reservation of seats, he had no objection to accept them. In fact, he left it to the Conference now to draw up a pact or a formula and he would be bound by the same.

Dr. Ambedkar observed that it was not possible for him to arrive at a quick decision on this important question, without consulting his other colleagues. He therefore suggested that the Conference should pass a resolution requesting Mr. Gandhi to postpone his fast by at least ten or twelve days, in order to enable the Conference to come to an agreed and unanimous decision.

The deputationists however explained that it was impossible for Mr. Gandhi to suspend his fast and that he was positively beginning it from to-day. It would therefore be merely a waste of time for the Conference to suggest postponement of the fast.

The feeling was at this stage expressed that the Conference should come to a decision, as soon as possible, as any delay involved the question of the life and death of Mr. Gandhi. It was then suggested that a small committee should be appointed to go into the whole question thoroughly, and draw up a scheme which should be placed before the Conference the next day.

#### Dr. Ambedkar's Proposals

The following are the draft proposals submitted by Dr. Ambedkar to the Leaders' Conference on the 20th. September 1932 :—

##### PART I

(1) The Depressed Classes shall have the following number of seats in the Provincial Legislatures :

Madras : 30 out of 215. Bombay : 16 out of 200. Bengal : 50 out of 260. Punjab : 10 out of 125. United Provinces : 40 out of 228. Bihar and Orissa : 20 out of 175. Central Provinces and Berar : 20 out of 112. Assam : 11 out of 108.

(2) The method of election to these seats shall be by joint electorates with reserved seats, provided that for the first ten years in 18 single constituencies in Madras, 10 in Bombay, 10 in Central Provinces, 10 in Bengal, 4 in Assam, 7 in Bihar and Orissa, 5 in the Punjab and 12 in U. P. (all in single constituencies) there shall be held before the general election a primary election of voters of the Depressed Classes for electing two persons to constitute a panel, who, thereafter, shall contest on behalf of the Depressed Classes in the joint electorates.

(3) After the first ten years the system of primary election shall cease, and the seats continue to be filled by direct election in the system of joint electorates with reserved seats.

(4) The right of the Depressed Classes to special representation through joint electorates and reserved seats shall continue for a further period of 15 years. After that the matter will be settled on the basis of a referendum of the Depressed Classes.

(5) The right of the Depressed Classes to special representation in both Houses of the Central Legislature shall be recognised on a population ratio on the same terms and in the same manner as provided in the case of Provincial Legislature.

(6) There shall be adult suffrage at least for the Depressed Classes. The franchise of the Depressed Classes shall be the same for the Provincial and Central Legislature.

##### PART II

1. The Depressed Classes shall be allowed representation in all Provincial Municipalities, Local Boards, Village Unions, School Boards, and Panchayats and any other local bodies now existing or to be constituted in future on a population basis.

2. In all public services, central and local, the Depressed Classes shall be guaranteed appointments according to the population ratio as a minimum subject to such qualification as may be laid down for the same. Provision shall be made for relaxing statutory rules that may be in existence in matters other than educational qualifications.

3. In every province out of the educational grant a sum equal to the population ratio of the Depressed Classes shall be earmarked as a minimum for providing educational facilities for Depressed Classes.

4. There shall be provision in the constitution for allowing the Depressed Classes the right to appeal to the Governor or the Viceroy for any neglect of their interest in matters of education, recruitment to public services, sanitation, etc., on the same terms in the same manner as provided for in the constitution of Canada.

3rd. Day—Yervada Jail, 21st. September 1932

As a result of conversations held among the members of the Leaders' Conference at Bombay on the 20th. September in the evening, a delegation, consisting of Sir Tej Bahadur Sapru, Mr. M. R. Jayakar, Mr. C. Rajagopalachari, Mr. Rajendra Prasad



and Mr. G. D. Birla, proceeded to Poona for placing the new scheme before Mahatma Gandhi for his approval. The new scheme was based on joint electorates with adequate safeguards for the protection of the interests of the Depressed Classes.

The deputation had a long interview with Mahatma Gandhi on the 21st. September in the morning, when they explained to him the scheme. The interview proved hopeful, but Mahatmaji reserved his final opinion until he had consulted friends including Dr. Ambedkar and Mr. M. C. Raja.

The Conference which was to meet at Bombay to-day was adjourned till the 23rd. to enable the conversations at Yervada to be concluded.

#### 4th. Day—Yervada Jail, 22nd. September 1932

The Conference in Yervada jail began at 5-30 p.m. to-day and lasted for full two hours. Mr. Rajagopalachari, Sir T. B. Sapru, Mr. Jayakar, Pandit Malaviya, Mr. Rajendra Prasad, Mr. G. D. Birla, Mr. Shankarlal Banker, Mr. Sivaraj, Dr. Solanki and three from Dr. Ambedkar's group attended. The members had a heart to heart and satisfactory talk after which the conference adjourned.

#### Leaders' Conference at Bombay—Emergent Meeting

An emergent sitting of the Leaders' Conference was held in the hall of the Indian Merchants' Chamber, Bombay in the evening to consider whether any steps should be taken, in view of the delay on the negotiations that were then going on in Poona and in view of the deterioration in Mahatma Gandhi's health, as reported by Pandit Malaviya in his statement to the press. Sir Purnshottamdas Thakurdas presided.

After two hours' discussion, the meeting resolved to depute Sir Chunilal Mehta to proceed to Poona, with a draft telegram proposed to be sent to the Premier, to be despatched to him in the form approved of by Pandit Malaviya and other members of the Conference, who were then in Poona.

#### 5th. Day—Poona, 23rd. September 1932

After nine hours' informal discussion to-day at Poona, the leaders of the Conference dramatically broke up and all the leaders jumped into waiting motor-cars and dashed off to Yervada jail. Pressmen who were waiting outside had hardly the time to ascertain the reason for the sudden departure. Hurried enquiries elicited that two reasons contributed to the sudden termination of the talks, namely, that a report was just then received from Yervada stating that Mahatma Gandhi was not keeping up his strength and that a feeling of nausea was stealing over him and his voice was weaker. It was also stated he had difficulty in keeping his eyes open and he had to stretch himself on his bed for a short while. The second and, according to certain leaders, the more important reason for the hurried journey was that a point of dispute had arisen between Dr. Ambedkar and his party on one side and the other Hindu leaders on the question of referendum. Dr. Ambedkar in pursuance of his demands wanted that after a fixed period a referendum of the depressed classes be taken in regard to the continuation of reservation of seats, while the Hindu leaders were understood to have claimed that the reservation of seats should automatically cease after the fixed period.

As the two parties could not agree on the point, they thought it best to refer the point in dispute to Mahatma Gandhi. Ten leaders including Sir Tej Bahadur Sapru, Pandit Malaviya, Mr. Jayakar, Mr. Rajagopalachari, Dr. Ambedkar and Dr. Solanki had a brief interview with Mahatma Gandhi lasting for nearly 20 minutes. On coming out Dr. Sapru made the following statement to the press: "As we could not agree on one point we wanted to consult Mahatma Gandhi. We placed the point of dispute before him and he gave his opinion on the matter. We are going back to resume our discussions and hope to see Mahatma Gandhi to-morrow morning." They declined to throw any light on the nature of Mahatma Gandhi's opinion given on the matter in dispute, but Dr. Ambedkar was heard to remark that it was in his favour. Returning to Pandit Malaviya's residence the leaders continued the deliberations for nearly half an hour more and then dispersed to meet again the next morning.

#### 6th. Day—Poona, 24th. September 1932

After two hours' conference this morning, only two minor points were left over for settlement. The first related to the period which must intervene before a referendum is taken, Dr. Ambedkar holding out for ten years.

Mr. Rajagopalachari proposed that it might be taken at the end of the fifth year. A tussle ensued. There was a difference of opinion among the Depressed Class members present.

Dr. Ambedkar himself was prepared to accept Mr. Rajagopalachari's proposal. So were his colleagues who were with him from the 22nd., but fresh arrivals on this morning took up an uncompromising attitude. For one moment it looked as if negotiations would break at this stage. The situation was saved by Mr. Rajagopalachari suggesting that Dr. Ambedkar, Mr. Srinivasan and two Caste-Hindus should refer the point to Mahatmaji for arbitration. Mr. Birla, Mr. Rajagopalachari, Dr. Ambedkar and Mr. Srinivasan jumped into a car and rushed to Yervada. Mahatmaji made a fervent appeal to Dr. Ambedkar and Mr. Srinivasan to give him a chance to remove their disabilities by working for them. The referendum was a good idea, but he was strongly in favour of taking it next year. When pressed to give his decision on the dispute, he preferred the lesser evil.

The four deputationists returned and Dr. Ambedkar and his friends discussed Gandhiji's award. It was two o'clock in the afternoon by now. Mr. Rajagopalachari suggested that there need be no reference at all to a referendum and the question of continuing the reservations may be determined by mutual agreement between the communities concerned in this settlement.

Dr. Ambedkar went to his friends who were waiting for him in the next room and ascertained their opinion on Mr. Rajagopalachari's suggestion. A little persuasion from Dr. Ambedkar, and his friends agreed to it. The Conference applauded the Depressed Class leader's decision and accepted it.

Mr. Rajagopalachari left the meeting immediately and dashed in a car to Yervada to inform Mahatmaji of the settlement on the referendum question. Gandhiji was pleased with the results of the Conference and sent a message of congratulation.

By the time Mr. Rajagopalachari returned, Mr. Jayakar, Dr. Ambedkar and Mr. Thakkar had sat together and settled within 15 minutes the only unfinished question of representation in the provincial legislatures.

### THE HISTORIC AGREEMENT SIGNED

At 3 p.m. leaders of Caste Hindus and Depressed Classes signed the historic agreement on the hexagonal table round which the members had deliberated.

Pandit Malaviya, as President and leader of the Caste Hindus, affixed his signature first. Dr. Ambedkar signed next. Then followed Sir Tej Bahadur, Mr. R. Srinivasan, Mr. Jayakar and other members present.

Sir Tej Bahadur then drafted a cable, embodying the Conference's decision and urging the Premier to withdraw separate electorates for the depressed classes. The Conference approved of the text. Mr. Rajagopalachari left with the copy of the cable. He motored to Mr. M. C. Raja and his friends to obtain their signature. The cable was finally ready at four o'clock and Pandit Govind Kant Malaviya, on behalf of his father, as President of the meeting and sender of the cable, filed it.

Soon after the agreement was signed by all the leaders present, Pandit Malaviya, President of the Conference, Dr. Ambedkar, Sir Tej Bahadur Sapru and Sir Chuni Lal Mehta directly drove to the Government House, and handed over the document personally and thence returned to Yervada, where all the other leaders had proceeded, meanwhile to finally inform Mahatma Gandhi that the agreement had been signed by all. Mahatma Gandhi, although he was weak and his voice was feeble, was reported to have asked each one of the contending parties: "Are you satisfied with the agreement?" And the respective parties were stated to have signified their satisfaction.

### Leaders' Cable to the Premier

The following is the text of the cable sent to the Premier by the Conference:—

"Pursuant to the wishes of the All-India Conference, consisting of Caste Hindus and Depressed Classes held in Bombay, we have come to a mutual settlement regarding the representation of the Depressed Classes in the legislatures and are furnishing a full copy to the Bombay Government for transmission to the Government of India and yourself.

"We have seen Mahatma Gandhi in jail during the last four days. To-day is the fifth day of his fast. His condition is steadily getting worse, and vitality ebbing.

Doctors advise us that the danger point may be reached in about forty-eight hours. We are most anxious to prevent the disaster not merely for his sake, but in national interest, and we would urge upon you to withdraw your decision providing separate electorates for the Depressed Classes to enable him to break his fast. Delay would be dangerous to his life and affect the public mind greatly.

"We briefly summarise the terms of the mutual settlement. Seats for representatives of the Depressed Classes in the Provincial Legislatures have been specifically fixed regarding each province,—the total number of seats in all the provinces agreed upon being 148 out of the general electorates, in substitution of 71 given by your decision. In the Central Legislature, eighteen per cent of the seats in the general electorates in British India will be reserved for them. Election to all these reserved seats shall be by joint electorates, subject to the following procedure.

"All the members of the Depressed Classes registered in the general electorates roll will form an electoral college which will elect a panel of four candidates for each reserved seat by the method of the single vote. The four persons getting the highest number of such votes in the primary election shall be the candidates for election by the general electorate. Reservation of seats shall continue until determined by mutual agreement between the communities concerned in the settlement. The system of the special method of primary election shall automatically cease on the expiry of ten years if not earlier along with the system of reservation.

"There shall be no disabilities as regards election to local bodies or appointments to the Public Services. Endeavours are to be made to secure their fair representation consistently with their educational qualifications. In every province, out of the educational grant, an adequate sum shall be earmarked for providing educational facilities for them.

"India shall now anxiously await your immediate action."

#### DEPRESSED CLASS LEADERS' CABLE

Dr. Ambedkar and Rao Bahadur Srinivasan sent the following cable to the Prime Minister and the Secretary of State and also to H. E. the Viceroy :—

"We are glad to inform you that an agreement has been reached between the Depressed Classes and the Caste-Hindus in regard to questions involved in the Communal Award, the substance whereof has been already cabled to you. This settlement has the support of all Depressed Classes including those from Madras. We request Mahatma Gandhi break his fast."

Rao Bahadur M. C. Rajah also cabled to the Premier, the Secretary of State, Lord Sankey and Lord Irwin, informing them that he himself and his party accepted the agreement and urging immediate action to enable Mr. Gandhi to break his fast.

#### TEXT OF THE AGREEMENT

The following is the text of the agreement :—

(1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows :

Madras 30; Bombay with Sind 15; Punjab 8; Bihar and Orissa 16; Central Provinces 20; Assam 7; Bengal 30; United Provinces 20; Total 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates subject, however, to the following procedure :

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four persons getting the highest number of votes in such primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in Clause two above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen per cent of the seats allotted to the general electorate for British India in the said legislature shall be reserved for the Depressed Classes.

(5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause six below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in Clauses 1 and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to any one on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

(9) In every province out of the educational grant, an adequate sum shall be earmarked for providing educational facilities to the members of the Depressed Classes.

All the leaders present in Poona, including Pandit Malaviya, Dr. Ambedkar, Dr. Solanki, Rao Bahadur Srinivasan, Sir Tej Bahadur Sapru, Mr. Jayakar, Rao Bahadur M. C. Raja, Mr. P. Ballo, Mr. Rajbhoj and Mr. Sivraj signed the agreement.

### LEADERS' FINAL CONFERENCE

The Hindu Leaders' Conference reassembled in Bombay on the 25th. September in the afternoon under the presidentship of Pandit Malaviya and unanimously ratified the Poona agreement. Among those present were Dr. Ambedkar, Dr. Solanki, Sir Tej Bahadur Sapru, Mr. Jayakar, Mr. C. Rajagopalachari Sir Chunilal Mehta, Sir Lalubhai Samaldas, Mr. G. K. Doodhar, Pandit Kunzru, Mr. T. Prakasam, and Mr. M. C. Rajah. The conference further resolved to appoint an influential committee the personnel whereof was left to selection by the president of the conference, to raise Rs. 25,00,000 for the purpose of carrying out countrywide propaganda for the eradication of the evil of untouchability in all shape and form in the country. The following is the full text of the resolutions :—

(1) This conference confirms the Poona agreement arrived at between the leaders of Caste Hindus and the Depressed Classes on Sept. 24 and trusts the British Government will withdraw its decision creating separate electorates within the Hindu community and accept the agreement in full. The conference urges that immediate action be taken by the Government so as to enable Mahatma Gandhi to break his fast within the terms of his vow and before it becomes too late. The conference appeals to all leaders of the communities concerned to realise the implication of the agreement and of this resolution and make the earliest endeavour to fulfil them.

(2) This conference resolves that henceforth no one shall be regarded as an untouchable by reason of his birth and that those who have been so regarded hitherto will have the same rights as other Hindus in regard to use of public wells, roads, schools and other public institutions. These rights shall have statutory recognition at the first opportunity and shall be one of the earliest acts of the Swaraj parliament if it shall not have received recognition before that time.

### DR. AMBEDKAR'S SPEECH

Addressing the conference in support of the first resolution, Dr. Ambedkar in the first public utterance after the Poona agreement said :—

"A few days back no man was placed in a greater dilemma than I. I had to make choice between two difficult alternatives. There was the life of the greatest man in India to be saved ; there was also before me the problem to try to safeguard the interests of my community. I am happy to be able to say that it has become possible through the co-operation of all to find a solution, so as to save the life of the Mahatma and at the same time to protect the interests of the depressed classes in future. I think that in all these negotiations a large part of the credit must go to Mahatma Gandhi himself. I must confess I was surprised very immensely—surprised when I met him to find that there was so much in common between the Mahatma and myself. (Cheers.) In fact any disputes whenever they were carried to him—and Sir Tej Bahadur has told you the disputes that were

carried to him were of a crucial character—I was surprised to see that the man who held such divergent views from me at the Round Table Conference came immediately to my rescue and not to rescue the other side. I am very grateful to the Mahatma for having extricated me from a very difficult situation. My only regret is, why did not the Mahatma take up this attitude at the Round Table Conference? If he had shown the same consideration to my point of view, it would not have been necessary for him to go through this ordeal. However these are things of the past. I am glad I am here now to support this resolution.

'Since the question has been raised in newspapers whether this agreement will have the support of the whole depressed classes community, I should like to make it clear that, so far as I am concerned and so far as the party which stands with me is concerned (and I am sure I am speaking for other friends who are present here, we will stand by the agreement. Let there be no doubt about this. Our only concern is this: whether the Hindu community will abide by it. (Voices of: Oh yes, we will.) We feel the Hindu community unfortunately is not an integral whole, but if I may say so, a federation of small communities. I hope and trust the Hindus on their side will look upon this document as sacrosanct and work it in an honourable spirit.

'I am very much obliged to all friends who took part in the negotiations but I should like to make particular mention of Sir Tej Bahadur and Mr. C. Rajagopalachari. Without Sir Tej Bahadur probably it would have been difficult to carry through many of the points. I must confess as a result of my experience of him during the last two years at the Round Table Conference that if there is any man in India who is above all communal prejudices it is Sir Tej Bahadur. His sense of fairness and justice always is a relief to all minorities who are seeking some safeguards in the new constitution. I must also mention Mr. Rajagopalachari. He came to our rescue when we were almost at the breaking point and had it not been for his ingenuity probably the agreement would not have come into being. I must also thank Pandit Malaviya for the courtesy and forbearance which he showed in hot exchanges of words and acrimonious debates that went on during all these negotiations.

'The change that has been brought about in the communal award has been brought about by the insistence of the view that separate electorates are injurious to national interests. I must confess I remain unconvinced by that argument though I can quite understand that for majority representation separate electorates are harmful. I do not believe that joint electorates are going to be the final solution for the problem of absorbing the depressed classes in the Hindu community. An electoral arrangement I believe cannot be the solution of the larger social problem. It requires more than the political arrangement that we are making to-day and I hope that it would be possible for you to go beyond this political arrangement and devise ways and means whereby it would be possible for the depressed classes not only to be part and parcel of the Hindu community but also to occupy an honourable position of equality and of status in the community. For a long time the depressed classes were an ignorant lot not imbued with a sense of self-respect. It was possible for them to accept the social status that was given to them by the Hindu community but as they get education they will begin to smart under these social laws, and there is a great danger of their seceding from the Hindu society. I beg you to bear it in mind and hope you will do the needful in the matter.'

#### RESOLUTIONS PASSED UNANIMOUSLY

The resolutions were passed unanimously while the conference authorized Pandit Malaviya, as president of the conference, to decide the personnel of the sub-committee to be appointed for raising funds as proposed by Pandit Malaviya for doing countrywide propaganda against untouchability. The conference then terminated with a hearty vote of thanks to the president.

#### Premier Accepts the Agreement—Govt. Statement

On the 26th. September Mr. Haig, the Home Member announced in the Assembly and Sir Frank Noyce in the Council of State, amidst loud cheers, the acceptance by the British Government of the Poona settlement to the extent it affected the Communal Award while other matters would receive due consideration at the proper time. Mr. Haig made the following announcement in the Assembly :—

"His Majesty's Government have learnt with great satisfaction that an agreement has been reached between the leaders of the depressed classes and of the rest of the Hindu community regarding the representation of the depressed classes in the new legislatures and certain other matters affecting their welfare in place of the system of general constituencies combined with special depressed class constituencies contained in the Government's communal award of the 4th August last. The agreement provides for general constituencies within which seats are reserved for the depressed classes, subject to important conditions as to the manner in which the reserved seats are filled. The Government in their award which was given in the absence of an agreement between the communities were solely concerned in relation to the depressed classes to provide adequate securities that the interests of these classes should be observed by the new legislatures. As representatives of the depressed classes and other Hindus acting together believe that the scheme now forwarded by them to His Majesty's Government is adequate for the purpose, the Government in accordance with the procedure which they laid down in para. 4 of their award, will recommend to Parliament, in due course, the adoption of the agreement dealing with representation in the provincial legislatures in place of the provisions in para. 9 of the award. (Applause.)

"It will be understood that the total number of general seats including those reserved for the depressed classes under the agreement will in each province remain the same as the number of general seats *plus* the number of special depressed class seats provided for in His Majesty's Government's decision.

"His Majesty's Government note that the agreement deals also with certain questions outside the scope of their award of Aug. 4. Clauses 8 and 9 deal with general points, the realisation of which will be likely to depend in the main on the actual working of the constitution; but His Majesty's Government take note of these clauses as a definite pledge of the intentions of the caste Hindus towards the depressed classes. There are two other points outside the scope of the award.

"(1) The agreement contemplates that the franchise for the depressed classes should be that recommended by the Franchise Committee (Lord Lothian's Committee). It is obvious that the level of the franchise for the depressed classes (and indeed for Hindus generally) must be determined at the same time as that for other communities is being settled, and the whole subject is under consideration by His Majesty's Government.

"(2) The agreement also provides for a particular method of electing depressed class representatives for the legislature at the centre. This again is a subject outside the terms of this award which is under investigation as part of the whole scheme for elections for the legislature at the centre and no piecemeal conclusion can be reached.

"What has been said on these two points should not be regarded as implying that His Majesty's Government are against what is proposed in the agreement, but that these questions are still under consideration. To prevent misunderstanding, it may be explained that the Government regard the figure 18 per cent. for the percentage of British India general seats at the centre to be reserved for the depressed classes as a matter for settlement between them and other Hindus.

### Mahatma Breaks Fast

A copy of the Premier's acceptance of the agreement was handed over to Mahatma Gandhi at about 4.15 p. m. on the 26th. September. He read through it lying on the cot, thought about it for some time, then without a word handed it to friends who read it and discussed it among themselves, Mahatma Gandhi taking little part. He then asked them to explain the meaning of the statement and they all unanimously opined that it was thoroughly satisfactory and there was no reason for continuing the fast. Mahatma Gandhi listened to them and asked that everything might be got ready for breaking the fast.

Poet Tagore sang a song from his *Gitanjali* in a low thrilling voice that spread a deep sense of peace. One of the 'C' class prisoners who was present also sang. The whole gathering then joined singing Mahatma Gandhi's favourite song descriptive of a true Vaishnav. Fruits were then distributed to children. Mrs. Kamala Nehru crushed two sweet lime fruits into a glass which Mrs. Gandhi handed to the

**Mahatma.** With a slightly unsteady hand Mahatma Gandhi slowly sipped it sitting on the cot supported by Sardar Vallabhbhai Patel and Mr. Mahadeo Desai. The fast which was entered on with only two intimate associates was broken at what amounted to a family reunion surrounded by nearly 100 near relatives and friends.

### Significance of the Fast—Mahatma's Statement

Mahatma Gandhi issued the following statement to the Associated Press :

"The fast undertaken in the name of God was broken in the presence of Gurudev and a leper prisoner and Parachure Shastri, a learned Pundit, seated opposite to each other and in the company of loving and loved ones who had gathered round me. The breaking was preceded by the Poet singing one of his Bengali hymns, then mantras from the Upanishad by Parachure Shastri, and my favourite hymn 'Vaishnavajanaana."

"The hand of God has been visible in the glorious manifestation throughout the length and breadth of India during the past seven days. The cables received from many parts of the world blessing the fast have sustained 'me through the agony of body and soul that I passed through during the seven days but the cause was worth going through that agony.

"The sacrificial fire, once lit, shall not be put out as long as there is the slightest trace of untouchability still left in Hinduism. If it is God's will that it does not end with my life, I have the confidence that there are several thousands of earnest reformers, who will lay down their lives in order to purify Hinduism of this awful curse.

"The settlement arrived at is, so far as I can see, a generous gesture on all sides. It is meeting of hearts, and Hindu gratitude is due to Dr. Ambedkar and Rao Bahadur Srinivasan and his party on the one hand and Rao Rahadar M. C. Raja on the other. They could have taken up an uncompromising and defiant attitude by way of punishment to the so-called Caste-Hindus for the sins of generations. If they had done so, I at least could not have resented their attitude, and my death would have been but a trifling price exacted for the tortures that the outcastes of Hinduism have been going through for unknown generation. But they chose a nobler path and have thus shown that they have followed the precept of forgiveness enjoined by all religions.

"Let me hope that Caste-Hindus will prove themselves worthy of the forgiveness and carry out to letter and spirit every clause of the settlement with all its implications.

"The settlement is but the beginning of the end. The political part of it is very important though it no doubt occupies but a small space in the vast field of reform that has to be tackled by Caste-Hindus during the coming days, namely, complete removal of the social and religious disabilities under which a large part of Hindu population has been groaning. I should be guilty of a breach of trust if I do not warn fellow reformers and Caste-Hindus in general that the breaking of the fast carries with it the sure promise of a resumption of it, if this reform is not relentlessly pursued and achieved within a measurable period. I had thought of laying down a period but I feel that I may not do so without a definite call from within.

"The message of freedom shall penetrate every untouchable home and that can only happen if reformers will cover every village. But in the wave of enthusiasm and in an inordinate desire to spare me a repetition of the agony, there should be no coercion. We must by patient toil and self-suffering convert the ignorant and the superstitious, but never seek to compel them by force.

"I wish to test the almost ideal solutions that has been arrived at may be followed by other communities, and that we might see the dawn of a new era of mutual trust, mutual give and take, and the recognition of the fundamental unity of all communities. I would here single out the Hindu-Moslem-Sikh question. I am the same to the Mussalman to-day that I was in 1920-22. I should be just prepared to lay down my life, as I was in Delhi, to achieve organic unity and permanent peace. I hope and pray that there will be, as a result of this upheaval, a spontaneous move in this direction and then surely the other communities can not longer stand out.

"In conclusion, I would like to thank the Government and the jail staff and the medical men appointed by the Government to look after me. Extreme care and attention was bestowed upon me. Nothing was left undone. The jail staff worked

under terrible pressure, and I observed that they did not grudge this labour. I thank them all from high to low. I thank the British Cabinet for hastening the decision on the settlement.

"The terms of the decision sent to me I have not approached without misgivings. It accepts, I suppose very naturally, only that part of the agreement that refers to the British Cabinet's constitutional decision. I expect that they had a constitutional difficulty in now announcing their acceptance of the whole agreement, but I would like to assure my Harijan friends, as I would like henceforth to name them, that so far as I am concerned, I am wedded to the whole of that agreement, and that they may hold my life as a hostage for its due fulfilment, unless we ourselves arrive at any other and better settlement of our own free will."

### RESULT OF THE FAST

One remarkable result of the fast had been to set in motion powerful forces for the abolition of the curse of untouchability. The great Hindu community was never so moved as it had been since the publication of the Gandhi-Howe-MacDonald correspondence. Almost a miracle had been wrought: age-long prejudices were being abandoned in the twinkling of an eye, as it were, and temples and wells were being thrown open to the untouchable classes who were so long denied access to them by bigoted orthodoxy. A sort of mental revolution had been going on among the Caste Hindus during the last several years as a result of educative propaganda carried on by a number of large-hearted Hindus for the uplift of the Depressed Classes and the removal of their galling social disabilities. Perhaps a heroic gesture like that of the Mahatma was needed to produce the desired result on a large scale and to induce the Caste Hindus to practise what they had preached. The members of the Depressed Classes were deeply affected. They passed resolutions at their meetings held in various parts of the country expressing their faith in the Mahatma and favouring joint electorates. This unprecedented upheaval of feeling in an essentially righteous and humanitarian cause produced abiding results and went a long way to solve the problem of untouchability.

### Anti Untouchability League Inaugurated

The first step in the translation into effect of the eradication of untouchability throughout the country was taken on the 30th. September when a largely attended meeting of the Hindus of Bombay held in the Gowasjee Jehangir Hall resolved to form an All-India Anti-Untouchability League\* with branches in different provincial centres with Mr. G. D. Birla as president and Mr. Amritlal V. Thakkar, as general secretary. The objects of the league, which will have head quarters in Delhi, were 'carrying propaganda against untouchability and taking immediate steps 'to secure as early as practicable that all public wells, *dharamshalas*, roads, schools, crematoriums, burning ghats and all public temples be declared open to the depressed classes, provided that no compulsion or force shall be used and that only peaceful persuasion shall be adopted towards this end.' Pandit Malaviya presided. Among other prominent on the dais were Sir Lalubhai Samaldas, Sir Chhinil Mehta, Sir Parushotandas Thakurdas, Mr. G. D. Birla, Mrs. Kamala Nehru and Pandit Hirdyanath Kunzru.

The Nawab of Bhopal sent a message expressing sympathy with the objects of the meeting and offered a donation of Rs. 5,000. The president also announced that he had received promises hitherto of donations of Rs. 70,000 each for this year and for the next year from a dozen prominent Hindus.

The meeting adopted with acclamation a resolution put from the chair thanking the leaders of Caste Hindus and Depressed Classes for the spirit of compromise and co-operation manifested by them during the negotiations which alone led to a final agreement and tendering its respectful greetings to Mahatma Gandhi on the happy termination of his fast.

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\*In a statement to the Press on the 9th. December 1932 Mahatmaji wrote:—One of my friends who attended the meeting of the Anti-Untouchability League which, because of a prior body founded by Sj. V. R. Shinde becoming practically the same name, will henceforth be called, and in my opinion more appropriately, the Servants of the Untouchables Society.



The third resolution appealed to the Hindu community to collect as large an amount as possible to be used for the removal of untouchability and cognate objects and for this purpose authorised Messrs. Birla and Thakkar to take all necessary steps.

### Programme of the League

In the course of a statement on the programme of the League, issued from New Delhi on the 3rd. November, Mr. G. D. Birla, the President, and Mr. A. V. Thakkar, the Secretary, stated:—

The aim of the League is to free the Hindu community in the whole of the country from all the evils springing from the institution of untouchability by all peaceful means. It will aim at the complete removal of any bar in civic matters which operate to the detriment of the down-trodden section of our people. The League will therefore work to bring about such a radical change in the very mentality of caste Hindus that they will as a matter of course treat the Harijans (or erstwhile depressed classes) as equals.

It follows that the League will have to work among the caste Hindus, as well as among those who have been treated hitherto as untouchables. There is a section of the Hindu society consisting of Arya Samajists and other reformers who have already done away with untouchability and will be welcomed. But progress will depend mainly on the active support and sympathy of those who belong to the orthodox section of the Hindus. Special efforts will, therefore, be made to secure their co-operation and assistance and make them responsible for the complete removal of untouchability and the uplift of Harijans. But only those will accept office in the League and its branches who fully agree with the aims and objects of it. Every member of the Central and Provincial Boards, District Committees and other bodies will, therefore, give in writing a pledge to the effect that he will not observe untouchability in his private or public life and that he will undertake to do his best to have as many roads, temples, wells and other public institutions thrown open to Harijans as possible.

### UPLIFT WORK

The League believes that reasonable persons among the Sanatanists are not much against the removal of untouchability as such, as they are against inter-caste dinners and marriages. Since it is not the ambition of the League to undertake reforms beyond its own scope, it is desirable to make it clear that while the League will work by persuasion among the caste Hindus to remove every vestige of untouchability, the main line of work will be constructive, such as the uplift of depressed classes educationally, economically and socially, which itself will go a great way to remove untouchability. With such a work even a staunch Sanatanist can have nothing but sympathy. And it is for such work mainly that the League has been established. Social reforms like the abolition of the caste system and inter-dining are kept outside the scope of the League.

Further, in order that the League may be able to carry on its work on a non-party basis, it has decided not to associate itself with politics or religious propaganda of any kind. The heads of Provincial as well as Central Executive will, therefore, have to be very careful in the selection of their active workers. With this object in view it is necessary that all whole-time paid workers of the League should not take part in politics or in any sectional or religious propaganda.

Following is the approximate expenditure that is proposed to be incurred in each unit of area. As already stated, this unit may consist of one revenue district, or State, or two districts or a group of small States, or even part of a district or a State, according to the area and the population of Harijans to be served. This is only intended to be a rough guide and not for strict adherence. Not less than two-thirds of the expenditure should be devoted to actual welfare work, the remaining one-third to staff and their allowances. Two paid workers are considered the minimum staff and they should be moving about 15 to 20 days in a month in villages.

Maintenance allowance for two itinerant workers  
Travelling charges for the two itinerant workers  
Miscellaneous expenditure by and through the workers

$30 + 20 = 50 \times 12 = 600$   
 $2 \times 10 \times 12 = 240$   
 $2 \times 10 \times 12 = 240$

Welfare work, i. e., cost of school books, scholarships, prizes, contributions for wells, if any, and formation of Harijan Panchayats

2,000

Total 3,080

## BUDGET FOR THE WHOLE COUNTRY

We give below a rough idea of the minimum total amount which may have to be spent for the whole of India. The scheme is modest enough in view of the gigantic nature of the work and it should not be difficult for the public to raise the required fund. Every pie contributed to the fund will make a valuable contribution and therefore we appeal to the public to make some sacrifice for the cause. The number of units proposed for each province is only a tentative proposal. The final decision, of course, will have to be taken by the Provincial Boards themselves.

It is calculated that at least the following number of units will be required to be worked in different provinces, the number of districts and states being shown against each province.

Name of Province	No. of Dist.	No. of Units.
Assam	11	6
Andhra		6
Bengal	26	15
Calcutta City	1	3
Bihar	16	16
Bombay, Bombay City and Suburban District	1	3
Maharashtra	10	8
Gujarat, Baroda, Kathiawar, Cutch and other States 5 & States 10		
Central Provinces and Berar (Marathi)	9	7
Central India States	11	8
Delhi Province	1	2
Kashmir	1	1
Malabar, Cochin and Travancore	4	10
Mysore & Karnatak districts of Bombay and Madras	8	10
Nizam's Dominion	14	10
Orissa Feudatory States	5 + 16 = States	8
Punjab & N. W. F. Province and the Punjab States	32 + 39	10
Rajputana States Ajmer-Merwar State 18		
Br. Dist. 1	19	9
Sind	8	5
Tamil Nadu	13	8
United Provinces	48	24
Total		184

The expenditure for 184 units would be  $3,000 \times 184 =$

Rs. 5,52,000

## CENTRAL AND PROVINCIAL OFFICES

Central Office	1,000 x 12	Rs 12,000
Provincial Offices	4,000 x 12	Rs 48,000
Total Rs.		60,000
Grand Total Rs.		6,12,000
or say Rs.		6,00,000

This amount will have to be made up both from the Central Fund as well as from funds raised by provinces and districts.

It can be seen that a sum of six lakhs of rupees is intended to be collected and spent per year in the whole country for the removal of untouchability and ameliorative work of Harijans. This programme, particularly if the ameliorative work is to be effective, should continue at least for 5 years. When spread out over 22 provinces, including States, and 4 crores or 400 lakhs of Harijans in the country, this is a small budget indeed.

## FUNDS AND GRANT-IN-AID SYSTEM

The Central Board of the League has collected and will collect large donations from important commercial towns like Bombay, Calcutta, Karachi, Cawnpore, Amritsar, Madras, etc., and from important rulers of States and Zamindars.

At the same time Provincial Boards will collect funds within their respective areas which will be managed by themselves or their Managing or Working Committees. The Provincial Boards may in their turn authorise district committees to collect funds from their own districts for the purpose of meeting the expenditure in their own areas.

Some well-to-do cities and provinces may give a quota of their own collections to the Central Fund, others may manage both collection of funds and the whole expenditure in their areas, i.e., may be just self-supporting, while others may require grants-in-aid from the Central Fund to supplement their own resources. The number of provinces in the third category, it is feared, will be large, and hence the necessity of the Central Fund, which will be a sort of an equalising fund. Each Provincial Board will, in its turn, raise a sort of equalising fund for the work to be done by its district committees.

Provinces that cannot contribute to the Central Fund nor be self-supporting may receive grants from the Central Fund, varying according to their needs, but usually not to exceed one-half of their expenditure. The Central Board may, however, consider special cases on their merits.

In no case, however poor a province be, and Orissa may be taken as an instance of this type, will be paid more than two-thirds of the expenditure from the Central Fund. Such provinces will have to find from their own towns and wealthy people not less than 33 per cent of their total expenses.

Units which cannot raise half the amount of its total budgeted expenditure will not ordinarily be qualified for grant-in-aid from the Provincial Fund.

The above scheme is tentative and liable to be modified in details. The exact percentage of grant to be given to a district, i.e., either more than half or less than half will be determined by the Provincial Chairman and his Board and of the percentage of grant to a province which is not self-supporting by the President of the Central Board in consultation with his Board.

Nothing so far has been finally decided in this connection. In fact, at a later stage, the constitution will be prepared and placed before the Central Board for its approval. But here again we can give a rough idea of the present position and the outline of the constitution as discussed and approved in Bombay by the Provisional Board.

The Central Board has been constituted with the following organising members:—

Sjt. G. D. Birla, President, Delhi and Calcutta; Sir Purnu-shotamdas Thakurdas, Bombay; Sir Lalabhai Samaldas, Bombay; Dr. B. R. Ambedkar, Bombay; Shri Ambalal Sarabhai, Ahmedabad; Dr. B. C. Roy, Calcutta; Lala Shri Ram, Delhi; Rao Bahadur M. C. Raja, Madras; Dr. T. S. S. Rajan, Trichinopoly; Rao Bahadur Srinivasan, Madras; Mr. H. V. Thakkar, General Secretary, Delhi.

In addition to the above members, the Presidents of all the 22 Provincial Boards of the League will be ex-officio members of the Central Board, if not already included in the list given above.

The League will have its headquarters in Delhi and the General Secretary will have his office in that city. He shall devote his whole time to the work of the League. For this purpose he will, whenever necessary, tour in different Provinces and States, or depute his assistants to inspect and guide the work in the Provinces. All expenditure incurred in the Central and Provincial offices will be duly audited by auditors appointed by the Central Board. The report of work done and the audited accounts will be annually published.

For the purpose of work of this League, the whole country is tentatively divided into 22 Provinces as shown under the head of budget.

The meetings of the Central Board will be held in Delhi, Bombay or any other convenient place at least once in every six months or oftener, if necessary. The Secretary will, at the meeting, present quarterly reports and bring forward other work. Any urgent work will be attended to by getting opinions of the members by circular.

The President of the League shall select a gentleman to work as the President of each Provincial Board, who, in his turn, will select members for his Board, and the Secretary, honorary or paid, in consultation with the President of the Central

Board. The Secretary, if a whole-time worker, will be paid his allowance or salary from the Central Fund on submission of monthly bills.

Every Provincial Board shall have a whole-time paid Secretary in addition to the Honorary Secretary, if any, with an office and an adequate staff to organise and supervise work in his province.

Every Board, Central or Provincial, and district or sub-district committee should contain a proportion of members, if possible one-third, belonging to Harijan castes.

Work in Indian States should be commenced only after consultation with the State authorities and after securing their goodwill, sympathy and, if possible, co-operation.

The Central Fund of the League should be deposited in a bank or banks jointly in the names of the President, the General Secretary and the Treasurer to be appointed by the President. The account should be operated by any two of the three.

The funds collected in the Provinces by Provincial Boards and their district committees should be vested in the President and the Secretary of the Provincial Board or in the Chairman of the district committee, with the approval of the President of the Provincial Board.

The President of each Provincial Board and the Secretary shall nominate Chairman and Honorary Secretary of each Provincial Board, shall prepare its annual budget and submit the same to the Central Board for its approval. Similarly every district committee will, in its turn, prepare and submit its budget to the Provincial Board for its approval.

## MAHATMA'S CAMPAIGN AGAINST UNTOUCHABILITY

### 1st. Statement—Yervada Jail, 4th. November 1932

In a series of nine statements issued through the Servants of India Society, Poona, Mahatma Gandhi launched a campaign from inside the Yervada Jail for the removal of untouchability. In the first statement that he issued on the 4th. November Mahatmaji wrote :—

"For reasons over which I have no control I have not been able to deal with the question of 'Untouchability' as I fully intended after the breaking of the fast. The Government having now granted me permission\* to carry on public propaganda in connection with the work, I am able to deal with the numerous correspondents who have been writing to me either in criticism of the Yervada Pact or to seek guidance or to know my views about the different questions that arise in the course of the campaign against 'Untouchability'."

"In this preliminary statement, I propose to confine myself to salient questions only, deferring for the time being other questions which do not call for immediate disposal.

I take up first the question of the possibility of resuming the fast. Some correspondents contend that fast savours of coercion and should not have been undertaken at all and therefore it should never be resumed. Some others have argued that there is no warrant in the Hindu religion or any religion for that matter for a fast like mine. I do not propose to deal with the religious aspect. Suffice it to say, that it was at God's call that I embarked upon the last fast and it will be at His call that it would be resumed if it ever is. But, when it was first undertaken, it was undoubtedly for the removal of untouchability root and branch. That it took the form it did was no choice of mine. The Cabinet decision precipitated a crisis in my life, but I knew the revocation of the British Cabinet's decision was to be but the beginning of the end. A tremendous force could not be set in motion merely in order to alter a political decision unless it had behind it a much deeper meaning even unknown to its authors. The people affected instinctively recognised that meaning and responded.

"Perhaps no man within living memory has travelled so often from one end of India to the other or penetrated so many villages and come into contact with so many millions as I have. They have all known my life, and heard that I recognised no barriers between 'Untouchables' and 'Touchables' or caste and caste. They have heard me speak often in their own tongue denouncing 'Untouchability' in

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\*It may be mentioned here that the special privileges in the matter of interviews etc., allowed to Mahatmaji in connection with the fast was withdrawn by the Government on the 29th. September. It was, however, subsequently restored.

unmeasured terms, describing it as a curse and a blot upon Hinduism. With rare exceptions, at hundreds of these mass meetings or private meetings, in all parts of India, there has been no protest against my representation of the case against Untouchability. Crowds have passed resolutions denouncing Untouchability, pledging themselves to remove it from their midst, and they have on innumerable occasions called God as witness to their pledges and asked for His blessings that He may give them strength to carry out their pledge. It was against these millions that my fast was undertaken, and it was their spontaneous force that brought about a transformation inside of five days, and brought into being the Yerawada Pact and it will be against them that the fast will be resumed if the Pact is not carried out by them in its fulness.

"The Government are now practically out of it. Their part of the obligation they have fulfilled promptly. The major part of the resolutions of the Yerawada Pact has to be fulfilled by these millions, the so-called caste-Hindus who flocked to the meetings I have described. It is they who have to embrace the suppressed brethren and sisters as their own, whom they have to invite to their temples, their homes and their schools.

"Untouchables in the villages should be made to feel that their shackles have been broken, that they are in no way inferior to their fellow villagers, that they are worshippers of the same God as the other villagers and entitled to the same rights and privileges that the latter enjoy.

"But if these vital conditions of the Pact are not carried out by caste-Hindus, could I possibly live to face God and man? I ventured even to tell Dr. Ambedkar, Rao Bahadur M. C. Raja and other friends belonging to the suppressed group that they should regard me as a hostage for the due fulfilment by caste-Hindus of the conditions of Pact. The fast, if it is to come, will not be for coercion of those who are opponents of reform, but it will be intended to sting into action those who have been my comrades or who have taken pledges for the removal of untouchability. If they belie their pledges or if they never meant to abide by them and their Hinduism was a mere camouflage, I should have no interest left in life. My fast therefore ought not to affect opponents of reform nor even fellow-workers and the millions who led me to believe that they are with me and the Congress in the campaign against untouchability, if the latter have on second thoughts come to the conclusion that untouchability is not after all a crime against God and humanity. In my opinion fasting for purification of self and others is an age-long institution and it will subsist so long as man believes in God. But whether my argument is wise or foolish, I cannot be dislodged from my position so long as I do not see the folly or error of it. It will be resumed only in obedience to an inner voice and only if there is a manifest breakdown of the Yerawada Pact owing to the criminal neglect of Caste Hindus to implement its conditions. Such neglect would mean a betrayal of Hinduism and I should not care to remain its living witness.

#### GURUVAYOOR TEMPLE ENTRY

"There is another fast which is a near possibility and that is in connection with the opening of the Guruvayoor temple in Kerala. It was at my urgent request that Mr. Kelappan suspended his fast for three months, a fast that had well nigh brought him to death's door. I would be in honour bound to fast with him if on or before 1st January 1933 that temple is not opened to untouchables precisely on the same terms as to touchables and if it becomes necessary for Mr. Kelappan to resume his fast. I have been obliged to dwell at length upon these possible fasts, because of the receipt of hot correspondence from two or three quarters. Co-workers however should not be agitated over the possibility. To become unnerved over a prospect one would not like to face very often results in its materialising. The best way of averting it is for all affected by it to put forth their whole strength into the work that would render the occurrence impossible.

#### INTER-DINING.

"Correspondents have asked whether inter-dining and inter-marriage are part of the movement of anti-untouchability; in my opinion they are not. They touch the caste-men equally with the out-castes. It is therefore not obligatory on anti-untouchability worker to devote himself or herself to inter-dining or inter-marriage reforms. Personally, I am of opinion that this reform is coming sooner than we expected. Restriction on inter-caste dining and marriage is no part of Hindu religion; it is a social custom which crept into Hinduism when perhaps it was in decline and

was then meant to be a temporary protection against disintegration of Hindu society. Those prohibitions are weakening and emphasis on them has turned the attention of the mass mind from the fundamentals which are vital to life's growth.

"Wherever, therefore, the people voluntarily take part in functions where 'Touchable' and 'Untouchable' Hindus and Non-Hindus are invited to join dinner parties, I welcome the same as a healthy sign, but I should never dream of making this reform, however desirable in itself, to be part of the all-India reform which has been long overdue. Untouchability, in the form we all know it, is a cancer eating into the very vitals of Hinduism. Dining and marriage restrictions stunt the Hindu society. I think the distinction is fundamental. It will be unwise, in a hurricane campaign, to overweigh and thus endanger this main issue. It may even amount to a breach of faith with the masses to call upon them suddenly, to view the removal of Untouchability in a light different from they have been taught to believe it to be. On the one hand, therefore, whilst inter-dining may go on where the public themselves are ready for it, it will not be part of the India-wide campaign.

"I have letters, some of them angrily worded, from those who style themselves Sanatanists. For them, Untouchability is the essence of Hinduism. Some of them regard me as renegade. Some others consider that I have imbibed notions against Untouchability and the like from Christianity and Islam. Some again quote scripture in defence of Untouchability. To these I have promised to reply through this statement. I would venture, therefore, to tell these correspondents that I claim myself to be a Sanatanist. Their definition of a Sanatanist is obviously different from mine. For me, Sanatan Dharma is a vital faith, handed down from generations belonging even to the prehistoric period and based upon the Vedas and on the writings that followed them. For me, the Vedas are as indefinable as God and Hinduism. It would be only partially true to say that the Vedas are the four books which one finds in print. These books are themselves remnants of discourses left by unknown seers. Later generations added to these original treasures, according to their lights. There then arose a great and lofty minded man, the composer of the Gita. He gave to the Hindu world a synthesis of the Hindu religion, at once deeply philosophical and yet easily to be understood by any unopinionated seeker. It is the one open book to every Hindu who cares to study and if all the other scriptures are reduced to ashes, the seven hundred verses of this imperishable booklet is quite enough to tell one what Hinduism is, and how one can live up to it. I claim to be a Sanatanist because, for forty years, I have been seeking literally to live up to the teachings of that book. Whatever is contrary to its main theme, I reject as non-Hindu. It excludes no faith and no teacher.

"It gives me great joy to be able to say that I have studied the Bible, the Koran, the Zend Avesta and other scriptures of the world with the same reverence that I have given to the Gita. This reverent reading has strengthened my faith in the Gita. They have broadened my outlook, and therefore my Hinduism. The lives of Zoroaster, Jesus and Mahomed, as I understood them, have illuminated many a passage in Gita. What therefore these Sanatanist friends have hurled against me as a taunt, has been to me a source of consolation. I take pride in calling myself a Hindu, because I find the term broad enough not merely to tolerate, but to assimilate the teachings of prophets from all the four corners of the earth.

"I find no warrant for Untouchability in this book of life. On the contrary, it compels me, by its appeal to my reason and the more penetrating appeal to my heart in a language that has a magnetic touch about it, to believe that all life is one, and from God and must return to Him. According to the Sanatan Dharma taught by that venerable author, life does not consist in outward rites and ceremonials, but it consists in the uttermost inward purification and merging oneself body, soul and mind in the Divine Essence. I have gone to the masses in their millions with this message of the Gita burnt into my life, and they listened to me. I am quite sure, not for my political wisdom or for my eloquence, but because they have instinctively recognised me as one of them, as one belonging to their faith. As days have gone by, my belief has grown stronger and stronger, that I could not be wrong in claiming to belong to Sanatan Dharma, and if God wills it, He will let me seal that claim with my death."

## 2nd. Statement—Yervada Jail, 5th. November 1932

"A correspondent, in spite of having received liberal education, suggests that, before the Harijans are put on a level with Caste Hindus, they should become fit for such a reception, shed their dirty habits, and give up eating carrion. Another

goes to the length of saying that those who are Bhangis and Chamars, who are engaged in what he considers are direct occupation should give up. These critics forget that the caste-men are responsible for whatever bad habits are to be observed amongst the Harijans. The so-called higher-castes have deprived them of facilities for keeping themselves clean, and also the incentive for doing so.

"As for the occupations of scavenging and tanning, they are no more dirty than many other occupations I can name. What may be admitted is that these occupations, like several others, are carried on in a dirty manner. That, again, is due to the high-handed indifference and criminal neglect of the so-called higher castes.

"I can say from personal experience that both scavenging and tanning can be done in a perfectly healthy and clean manner. Every mother is a scavenger in regard to her own children, and every student of modern Medicine is a tanner in as much as he has to dissect and skin human carcasses. But we consider theirs, to be sacred occupations. I submit that the ordinary scavenger's and the tanner's occupations are no less sacred and no less useful than those of mothers and medical men.

"We shall be wrong if caste-men regard themselves as patrons distributing favours to the Harijans. Whatever is done now by the Caste-Hindus for the Harijans will be but a tardy reparation for the wrongs done to them for generations. If now, they have to be received in their existing state, as they must be received, it is a well-deserved punishment for the past guilt. But there is this certain satisfaction, that the very act of receiving them with open hearts would be a sufficient incentive to cleanliness, and caste-men will, for their own comfort and convenience, provide Harijans with facilities for keeping themselves clean.

"It is well to remind ourselves of what wrongs we have heaped upon the devoted heads of the Harijans. Socially, they are lepers. Economically, they are worse than slaves. Religiously, they are denied entrance to the places we miscall houses of God. They are denied the use, on the same terms as the caste-men, of public roads, public wells, public taps, public parks and the like. In some cases, their approach within a measured distance is a social crime, and in some other rare enough cases, their very sight is an offence. They are relegated, for their residence, to the worst quarters of cities or villages, where they practically get no social services. Caste-Hindu lawyers and doctors will not serve them as they do other members of society. Brahmins will not officiate at their religious functions. The wonder is that they are, at all, able to eke out an existence, or that they still remain within the Hindu fold. They are too down-trodden to rise in revolt against their suppressors.

"I have recalled these tragic and shameful facts in order to make the workers vividly realise the implications of the Yerawada Pact. It is only ceaseless effort that can raise their down-trodden fellow-beings from degradation, purify Hinduism, and raise the whole Hindu society and with it the whole of India. Let us not be stunned by this simple recital of the wrongs. If the demonstration during the fast week was a genuine expression of repentance on the part of Caste-Hindus, all will be well and every Harijan will soon feel the glow of freedom. But before this much-desired end can be achieved, the message of freedom will have to be carried to the remotest village. Indeed, the work in the villages is far more difficult than in the big cities, where it is possible quickly to mobilise public opinion. Now that there is an All-India Anti-Untouchability League, workers should work in co-ordination with that League. And here, I would like to recall what Dr. Ambedkar told me. He said: "Let there be no repetition of the old method when the reformer claimed to know more of the requirements of the victims than the victims themselves, and added: 'Tell your workers to ascertain from the representatives of the Harijans what their first need is, and how they would like it to be satisfied. Joint refreshments are good enough by way of demonstration but they may be overdone. There is a flavour of patronage about them. I would not attend them myself. The more dignified procedure would be to invite us to ordinary social functions without any fuss. Even temple-entry, necessary as it is, may wait. The crying need is the raising of the economic status and decent behaviour in the daily contact.' I must not report here some of the harrowing details given by him from his bitter experience. I felt the force of his remarks. I hope every one of my readers will do likewise.

"Many suggestions have been sent to me for adoption by the reformers. One is a repetition of what Swami Shraddhanandji used to repeat so often, namely, that every Hindu should have in his home a Harijan who would be, for all practical

purposes, a member of the family. The second comes from a non-Hindu friend deeply interested in India's welfare. He says that every well-to-do Hindu should bear the expense of giving, if possible under his own observation, higher education to a Harijan young man or girl, so that these, after finishing their education, might work for the uplift of fellow-Harijans. Both the suggestions are worthy of consideration and adoption. I would ask all who have fruitful suggestions to make, to pass them on to the newly established League.

"Correspondents should recognise my limitations. From behind the prison gates, can only tender advice to the League and the people. I can take no part on the real execution of the plans. They should also recognise that my opinions, based as they must be on insufficient data and often on second-hand information, are liable to revision in the light of new facts, and should therefore be received with caution. Though it is now past history, I would devote a paragraph to the objections raised by correspondents and even voiced in suppressed tones in the Press. Referring to the political part of the Pact, they ask what have you gained by it? The Harijans have surely got much more than the Prime Minister gave. Well, that is exactly the gain. My opposition to the decision was that it gave stone instead of bread. This Pact has given bits of bread. I personally would have rejoiced with Dr. Moonje if the Harijans had got all the seats allotted to the Hindus. That would have been the greatest gain to the Caste-Hindus and Hinduism. What was wanted, and what I still want, is their complete merger in Caste-Hindus and the latter in the former. It is my deliberate opinion, not likely to be altered by any fresh fact that may come to light, that the more the suppressors give to the suppressed the more they gain. They gain, protanto, discharge from overdue debts. Unless the Caste-Hindus approach the question in that humble, penitent, religious and right spirit, the remaining part of the Pact will never be observed in the spirit that seemed to pervade Hindu society during the fast week.

"I would like to tender my congratulations to those Princes who have opened their State-temples to the Harijans and have otherwise proclaimed banishment of Untouchability from their States. If I may say it, they have thereby done some penance in their own behalf and on behalf of their people. I hope that the Hindus residing in these States will carry out the terms of these proclamations and so fraternise with them as to make the Harijans feel that they never were the despised out-castes of Hindu humanity.

"We are too near the scene of the tragedy to realise that this canker of Untouchability has travelled far beyond its prescribed limits, and has sapped the foundations of the whole nation. The touch-me-not spirit pervades the atmosphere. If, therefore, this white ant is touched at its source, I feel sure that we shall soon forget the differences with regard to caste and caste, and religion and religion, and begin to believe that, even as all Hindus are one and indivisible, so are all Hindus, Mussulmans, Sikhs, Parsies, Jews and Christians, branches of the same parent tree. Though religions are many, Religion is one. That is the lesson I would have us to learn from the campaign against Untouchability. And we will learn it, if we prosecute it in the religious spirit, with a determination that will not be resisted."

### 3rd. Statement—Yervada Jail, 7th. November 1932

In the third statement issued to the press on the 7th. November, Mahatma Gandhi said :—

"A correspondent whom I know well and who is in sympathy with the movement against untouchability, though he does not accept the whole of the programme, writes a long letter in Hindi from which I condense the following :—"I fear the campaign is not being kept within bounds in all parts of the country. I understand in some cases those who claim to be workers in the cause are making use of questionable methods such as resorting to abuse of adherents of the old order and pouring ridicule on sacred names. Any one who dares to analyse your sayings or writings and the extreme forms that the campaign is taking, immediately becomes the buttend of ridicule, is labelled a traitor to his religion and even threatened with direct consequences. They do not seem to care for the material or moral welfare of the out-castes. They think their effort begins and ends with promiscuous dinners and marching of crowds of Harijans to the temples even in defiance of the wishes to the contrary of the trustees. I am sure you do not want the movement to dege-



nerate into mere spectacular demonstrations calculated merely to wound the feelings of the orthodox without doing the least service to the Harijans."

"Out of nearly 100 letters on untouchability received by me during the past month, this is the first letter complaining against the workers' conduct bordering on violence. I, however, felt the necessity of giving publicity to the complaint, if only out of regard for my correspondent's warning to workers. I know he will not indulge in wilful exaggeration. There can be no compulsion in matters of religion. I should say in any matter. The public know my very strong views against violence in any shape or form against anyone, no matter what his caste, creed or nationality may be. Let those in charge of the movement, therefore, understand even in their impatience to save me from the prospective fast that they may not force the pace by adopting questionable methods. If they do, they will merely hasten my end. It would be a living death for me to witness the degeneration of the movement in whose behalf, as I believe, God had prompted that little fast.

"The cause of Harijans and Hinduism will not be saved by methods of the rabble. This is perhaps the biggest religious reform movement in India, if not in the world, involving, as it does, the well-being of nearly 60 million human beings living in serfdom. "The orthodox section that disapproves of it is entitled to every courtesy and consideration. We have to win them by love, by self-sacrifice, by perfect self-restraint, by letting the purity of our lives produce its own silent effect upon their hearts. We must have faith in our truth and love converting our opponents to our way. There is no doubt whatsoever that the deliverance of 60 million human beings from age-long suppression will not be brought about by mere showy demonstrations. There has to be a solid, constructive programme contemplating an attack on all points. This enterprise requires the concentrated energy of thousands of men, women, boys and girls who are actuated by the loftiest religious motives. I would, therefore, respectfully urge those who do not appreciate the purely religious character of the movement to retire from it. Let those who have that faith and fervour, be they few or many, work the movement.

"The removal of untouchability may produce, indeed, it will produce, great political consequences, but it is not a political movement. It is a movement purely and simply of purification of Hinduism and that purification can only come through the purest instruments. Thanks be to God there are hundreds, if not thousands, of such instruments working in all parts of India. Let impatient sceptics watch, wait and see but let them not mar the movement by hasty and ill-conceived interference, even though it may be prompted by laudable motives.

#### 4th. Statement—Yerawada Jail, 9th. November 1932

Mahatma Gandhi issued the following fourth statement on the 9th. Novem.

A correspondent writes as follows: "I consider your last fast to have been an error of the worst type. I do not want to conceal from you my feeling about the Yerawada Pact. I know my feeling is shared by public men who because of their respect for your personality and because of your detention in the Yerawada prison do not like to say anything in public against your action in bringing about the Pact. I consider the Pact to be a public misfortune, which would never have been brought about, but for your unfortunate fast. I know of a very esteemed friend of yours, who had said that if the refusal had not meant your certain death, he would never have given his consent to the Pact. There is a large number of thinking Hindus who regret having had to accept the Pact, as they think that there would have been no necessity for it if you had only accepted in London what you have done now."

The correspondent continues: "In a statement you have said: 'It was against these millions that my fast was undertaken.' I take it that was your intention, but in actual result, it was not these millions but others who had no course left open but to suspend their judgment and feeling in the matter, and agree to terms to which nothing in the world would have made them agree if their refusal had not meant losing your valued life. You say: 'It was their spontaneous love that brought about the transformation inside of five days and brought into being the Yerawada Pact'. Is this a correct statement? Will it not be more correct to say that it was only fear of your death by starvation which brought about the Pact? Remembering the circumstances under which it was brought about, I think you will recognise that much need not be made of it. If the Pact is not carried out in its fullness, much less would there be any justification for you to embark on

a second fast. It gives me no pleasure to have to criticise a public man of your eminence, but the occasion is such that to keep quiet will not be quite honest. Your assumption that the masses whom you have addressed on the question of Untouchability, have accepted your views on that question, simply because they did not publicly oppose your views, is not correct. Because of their respect for your great personality and because of your political leadership, they would hear in silence, and however much they may be opposed to your views, as I know many of them are at least in Northern India, they would still consider it their duty to give you a respectful hearing. As you are aware, these people are not very vocal, and they do not go out of their way to oppose the views of those who differ from them, especially if the views are expressed by one of your eminence."

I have removed from the letter unnecessary paragraphs and the names of public men referred to by the correspondent. It would be a matter of great grief to me if the public men whom the correspondent mentions really suppressed their own opinions and accepted proposals which, but for the threat of my death, they would never have endorsed. If they acted as the correspondent suggests, they rendered a great disservice to the country, and failed to appreciate the purely religious character of the fast.

In public life, one has often to perform the painful duty of sacrificing friends for the sake of truth or public weal. What was in the Pact, that these friends considered it to be highly objectionable? Surely not, reservation of seats, nor joint electorates, nor the method of nomination of candidates by primary election, as it has been called. They could not object to the resolution restoring to Harijans social and religious rights, of which they have cruelly remained dispossessed for ages. The only thing remaining is the number of seats allotted to them. But more than that was given to them by the Raja-Moonjee Pact, and as I have already said in a previous statement, Caste-Hindus could never give Harijans too many seats if they really believed them to be their own kith and kin, whom they had hitherto kept under their heels. Sorry indeed, is the outlook for them if what the Pact has given them is regarded as an undeserved concession wrung from the reluctant Caste-Hindus by my fast. Therefore, if the information given by my correspondent turns out to be true, I would hold my fast to be doubly justified. I should not care to live as a member of a society which is chary even of doing a small and tardy measure of justice to its outcastes who are so thorough no fault of their own. And my fast was truly justified if the further statement made by my correspondent is true, that the millions, of whom I have been writing, as a matter of fact, never endorsed my vehement condemnation of Untouchability, and that they remained silent or even signified their approval purely out of their respect for my "great personality" or my "political leadership". Life in the midst of such a falsity would be a burden to me. The sooner public men and people realise the necessity of resisting and asserting themselves even against the so-called Mahatmas like myself, the better it would be for themselves, for the country and for men like me. I should gladly fast even to have such a cleansing of the atmosphere.

My correspondent's is a timely contribution to the movement. Those who are in it should know the implications both of the movement and of the prospective fast. I can only repeat, with all the emphasis at my command that my fast is not intended to coerce anyone to act against what he may consider to be the best interests of the society or the country. My fast is not against persons, whom I can name or number. It is intended, imperceptibly and unconsciously, to affect and agitate the millions whom I have in mind, and between whom and me I believe an indissoluble bond exists.

My correspondent suggests that 'there would have been no necessity for the pact, if I had only accepted in London what I have done now'. I must not rake up the past beyond saying that I could not have done in London what it was possible to do in India. The correspondent, although he was in London at the time, simply does not know all the facts that are in my possession.

Let not the public, however, run away with the idea that I have many letters protesting against the Pact. So far as I can remember this is the only letter of its kind. There are two or three letters complaining of coercion, but none suggesting that, therefore, anything was given to Harijans that was not their due. Against this one letter, I have hundreds of letters and telegrams warmly approving of the fast itself and of the Pact. My closest associates, both here and in the West, with one or two exceptions, have endorsed it and themselves felt its spiritual effect. But

according to my wont and in order to keep myself on the straight path and to keep the cause I espouse free from any harm, I publish letters containing hostile criticism, especially when it comes from men whom I know, to be guided by friendly motives as my correspondent undoubtedly is.

As I was handling in this statement, I received a wire from the ever vigilant Secretary of the All-India Anti-Untouchability League, pointing out that the total population of Untouchables in Greater India was not sixty millions, but under forty. I am sorry for having given an incorrect figure, although Sjt. Thakkar had corrected me even during the fast.

#### 5th. Statement—Yervada Jail, 14th. November 1932

Mahatma Gandhi issued the following fifth statement to the Press on the 14th. November :—

"In this fifth statement to the Press, to which I would like to express my gratefulness for the publicity they are giving to my statement generally, I want to summarise a part of what I said last week of Sjt. Rajbhoj and his friends, who met me to discuss practically the whole movement.

One of their questions related to what Harijans could do in order to help the movement. They anticipate the charges brought against them in justification of the refusal of some Caste-Hindus to associate with them on terms of absolute equality. I have already said in emphatic language that the Caste-Hindus are wholly to blame for the undoubtedly deplorable condition of the vast mass of the Harijans, and that an improvement will follow the removal of Untouchability as a matter of course. It should never be made a condition of the removal. Nevertheless, it is the obvious duty of the Harijan workers to carry on internal reform to the extent it is possible even in the face of the existing state of things.

Harijan workers should therefore devote all their energy to (1) the promotion of cleanliness and hygiene among the Harijans, (2) improved method of carrying on what are known as unclean occupations, e. g., scavenging and tanning, (3) the giving up of carrion and beef, if not meat, altogether, (4) the giving up of intoxicating liquors, (5) inducing parents to send their children to day-schools, wherever they are available, and the parents themselves to attend night schools wherever such are open and (6) the abolition of Untouchability among themselves.

Let me go through the items to indicate what is meant by them. A daily bath is necessary at least in our climate, and clean clothes are necessary under all climates. I know that water is not easily available in Harijan quarters. They have, as a rule, no access to public wells and tanks, and they are too poor to afford a change of clothing. It is generally realised that even a lota full of water can give one a clean bath. It is taken by thoroughly wetting a clean towel, and vigorously rubbing the body including the head all over and then wiping with a dry towel if the bath is taken daily, the wet towel, after wringing out all the water from it, can serve the purpose of drying the body in this clime. Again, the same clothes can be easily washed and dried there and then, whilst one has merely the langoti on. I know that there is nothing new in what I am saying and yet I have been obliged to explain these very elementary things to hundreds of workers. Even graduates have been found to be ignorant of these elementary aids to hygiene. As to the improved method of scavenging, selfish ignorant caste men make it well nigh impossible to remove human excreta in a decent manner. The closets, because of the Untouchability, are unclean beyond description. They are dark, ill-ventilated and so constructed that only a portion is somewhat capable of being cleaned, and that too under filthy conditions. To use these closets is a positive daily descent to Hell. But for the beneficent climate, many more thousands than those that already do will find an early cremation, owing to the superstitious refusal to see one's own faces and to permit the Untouchables or themselves to clean the interior of the closet. The Harijans who have to perform a very necessary social service can, even in the existing unfavourable circumstances, at least have their bath immediately after the cleaning is done, and use plenty of dry earth for cleaning, instead of the just a little straw that they use. Being an expert scavenger that I claim to be, I could show many very cheap, efficient and thoroughly clean methods of performing this service, especially if the villagers and city people would help. But I cannot deal with this interesting subject in this cursory statement. The curious may look up my writings on sanitation in general and village sanitation in particular. Scavengers should wear a profession-

al dress while they are doing the cleaning work. Every employer or group of employers can supply such a dress for his or their own scavengers.

Clean tanning is a far more difficult proposition. Our tanners do not know the modern method of skinning carcasses nor of tanning. Tanning I have heard used in a comprehensive sense. The so-called higher classes have criminally neglected this useful body of their co-religionists and fellow countrymen. The whole of the process from the carrying of the carcasses to the dressing of the hide, is done in a crude manner, resulting in the loss to the country of untold wealth and the production of inferior hide. The late Mr. Madhusudan Das, who was a great philanthropist and had himself learnt the modern processes of tanning, had prepared statistics to show what the country was losing annually owing to the superstitious Untouchability masquerading under the name of religion. Harijan workers can learn the modern processes and acquaint the tanners with it in so far as it is practicable.

The scavengers should be taught resolutely not to accept the remains of the house-holders' daily food which is virtually thrown at them in the cruellest manner possible. Years of habit have dulled the aesthetic sense of the scavengers and they have seen nothing wrong in eating the remains of another man's dishes. They crave after what they regard as dainties from their employers' dishes. I have known Bhangis having removed their children from schools, because the latter were taught not to touch these leavings and be satisfied with the Jawari or the Bajari bread baked in their homes.

Tanners should be induced to give up carrion and beef. As a vegetarian, I would like Harijans to give up as many have done, meat altogether, but if they are not ready for this reform, they should be taught to give up carrion as being unhygienic, besides being tabooed by the rest of mankind, and beef as being forbidden in Hinduism. I know that carrion is part of the price they get for removing the carcasses. Dr. Ambedkar told me that in some places, villagers beat those who had given up carrion, telling them that it was their religion, and that the fact was they were afraid that, if the tanners gave up carrion-eating, they would demand an equivalent price or give up carrying dead cattle. Whatever that difficulty, carrion and beef eating must be given up. That one self-restraint will alone raise the Harijans in the estimation of the caste-men and make the task of caste-reformers comparatively easy in the campaign against Untouchability.

Items four and five do not call for any remarks. They are self-explained.

The last item is the abolition of Untouchability among the Untouchables themselves. This is an urgent need. Removal of Untouchability will become most difficult if this double Untouchability is not removed with one sweep. It is an uphill task for Harijan reformers. But if they will realise that this movement is predominantly religious and designed to purge Hinduism of the uncleanness that has crept into it, they will have the necessary courage and self-confidence to carry out the great reform. It is needless for me to stress the point that workers in such a movement must be selfless and pure in character.

I have given here a constructive programme that should satisfy the most ambitious reformer among Harijans, and occupy the whole of his time and energy, but there are one or two things he and the Harijans may not do during this period of grace. At any rate, no Harijan need fast against any one, nor need satyagraha be offered by them. Let them watch the Caste Hindus who are on their trial and see what they do to remove the bar that separates the Harijans from them. Let them not engage in quarrels with local Caste Hindus. Their behaviour should be, at all times, courteous and dignified and much more so at this time. Religion can only be vindicated by self-suffering, never by violence done to the oppressors. Though there may be many things they may get by force, their credit will lie in getting their rights by the conversion of the Caste-Hindus, and to-day they have ample reason for deriving hope from the knowledge that there are tens of thousands of Caste Hindus, who have a lively sense of their guilt, and are straining every nerve to do reparation to Harijans. Let them have perfect confidence in the absolute justice of their cause and in the ability of self-suffering to win it.

In the next statement, I must give my reply to the castemen who have asked what they can do to help the movement.

6th. Statement—Yervada Jail, 15th. November 1932

The following is the sixth statement issued by Mahatma Gandhi on the 15th. November :—

"If among the Harijans, Sri Rajbhoj has yet been the only one to have asked me as to what Harijans might do to advance the movement. I have scores of letters from all parts of India from Caste-Hindus, both men and women, students and others, inquiring in what way they can help without interfering with their other pre-occupations. And since Anti-Untouchability is a movement, as applied to the masses, for merely a change of heart, for changing their attitude toward the Harijans, the vast majority of Caste-Hindus do not need to interrupt their daily activities, in order to serve the Harijans.

"The first thing is for everyone to understand the implications of the removal of Untouchability in his or her own life. If the answer is that he or she has not only no objection to, but is desirous of seeing them entering public temples, using public places, such as, schools, sarais, roads, hospitals, dispensaries and the like, in short of Harijans being put precisely on the same footing as themselves, religiously, socially, economically and politically he or she has personally taken the full step.

"But that is not all that the questioners want. Having gone so far, they want to know what more they can do in furtherance of the cause. Such inquiries need not extend their activities beyond their immediate neighbourhood. Let them canvass the opinion of those with whom they come in daily contact, and if the former are not convinced of the necessity of the removal of Untouchability, they should, if they have critically studied the movement, endeavour to convince their neighbours, or, if they are not competent, they should procure the necessary literature, supply them with it and put them in touch with those full-time workers who are specially qualified for such propaganda work. If they find that their neighbourhood is not touched by the spirit of the movement and if they have any influence, they would arrange public lectures, demonstrations and invite speakers to such a meeting. So much, for work amongst the Caste-Hindus.

"But the real work that the large body of women and men can do is undoubtedly among the Harijans. Those Caste-Hindus who have studied my fifth statement could not fail to have noticed that there is a vast amount of silent and effective service to be rendered by Caste-Hindus without much expenditure of time, energy or money. Caste-Hindus can effectively supplement the effort of the Harijan workers in inculcating habits of cleanliness and by procuring facilities for having easy access to the required water-supply. They can find out public wells and tanks situated near the Harijan quarters and canvass the opinion of the Caste-Hindus who may be using such wells or tanks, pointing out to them that Harijans have a legal right to the use of all such public services. They can at the same time see to it that, when the consent of the Caste-Hindus has been secured for the use by Harijans of these services, the latter use them in a manner not offensive to the former. As to scavenging, they can visit the owners of houses served by Harijans in their neighbourhood, and explain to them the necessity of making it easy for Harijans to do the cleaning work in a hygienic manner. To this end, it would be naturally necessary for them to study the scientific method of constructing closets and disposing of night-soil. They can also procure from the house-holders special dresses to be supplied to the scavengers and make the Harijans feel, by unhesitatingly doing the scavenging themselves, that there is nothing low or undignified about rendering such services. Such workers should also carry on propaganda against casteism giving to their scavengers the leavings from their daily food and, where they are ill-paid, persuading the employers to pay them a decent wage.

"As to tanning, not much help can be rendered unless some one of such voluntary leisure time workers has humanity and enthusiasm enough to study the hygienic method of skinning carcasses and having done so, will spread the knowledge among these tanners. They certainly can do one thing. They can find out the custom about the disposal of such carcasses, and see that the tanners are assured of a proper wage for the service they render.

"Those who have the capacity and time can conduct day or night schools, take Harijan children for picnics and sight-seeing on holidays or whenever the opportunity occurs and visit Harijans in their own homes, procure medical aid where necessary, and generally let them feel that a new page has been opened in their lives, and that they need no longer regard themselves as the neglected and despised portion of Hindu humanity.

"All that I have described can be most easily and efficiently done by the student world. If this work is done with silent zeal, determination and intelligence by a large body of men and women, I have no doubt that we shall have taken many

steps in our progress towards the goal, and it would be found too that there are more things than I have described that require attention. I have but chosen a few of the many things that have come under my observations in the course of my journeyings."

#### 7th. Statement—Yervada Jail, 16th. November 1932

Mahatma Gandhi issued the following seventh statement on the 16th. November :—

Though the questions that I shall endeavour to answer in the statement have been more or less covered by the previous statements, as they continue to recur, I thought it would be well to collect as many as possible and to deal with them in one single statement.

"Are you not forcing people to do things against their will?"—this is one such question. At least such is not my intention. The contemplated fast is intended to strengthen the weak, to energise the sluggish, to give faith to the sceptics. It should be clear to any one who will give a little thought to it that those who are hostile to the reform will not only be unaffected by the fast, but will probably and perhaps rightly from their own stand-point welcome it, if only it ends fatally. An angry correspondent does not hesitate to say it in so many words.

But says another correspondent : "It is all very well for you to say that you do not intend to do such and such a thing. There are many orthodox people who will follow the multitude for fear of personal injury from your over-zealous followers." An argument like this can be advanced under almost any conceivable circumstance. I have led many movements in my life-time, where there has been no fast necessary, but the charge I am now answering has been brought against me often enough in order to turn me away from my purpose. Whatever the unintended consequences of the contemplated fast may be, apart from its being a question of honour, it must be taken up, if the occasion arises, for the additional reason, that it is certain to stir to a worthy effort tens of thousands of people who have faith in me. Such must be the case in every movement of a religious character.

The second question is : "Are you not setting one section of Hindus against another?" Most emphatically not. Some opposition is inevitable in every reform, but up to a point, opposition and agitation in a society are a sign of healthy growth. I have no fear, whatsoever, of a permanent cleavage between the Sanatanists and the reformers. Far be it from me either to under-rate the Sanatanist opposition or to disregard their sentiment. I have no doubt, whatever, that some of them feel strongly that Sanatana Dharma is in danger. Nevertheless, it is astonishing how narrow at least in theory is the difference between the Sanatanist and the Reformer.

Almost every letter that I have received from Sanatanists makes these startling admission : "(1) We admit that there is much to be done for the amelioration of the condition of the Harijans ; (2) we admit that many Caste-Hindus are ill-treating the Harijans ; (3) we admit that their children should receive education, and that they should have better quarters to live in ; (4) we admit that they should have proper arrangements for bathing and drawing water for themselves ; (5) we admit that they should have full political rights ; (6) we admit that they should have ample facilities for worship and (7) we admit that they should have all the civic rights that the others have." But say these Sanatanists : "We must not be compelled to touch them or associate with them, especially whilst they are in their present condition." Then I say to them : "Since you admit the necessity for putting them on the same level with you, why are you agitated when other Caste-Hindus will go a step further, and believe on the strength of the same Shastras that you believe in, that it is their duty not to regard the Harijans as Untouchables, but to have them share with themselves all these rights and privileges which you concede to them, but which you would have them to enjoy and exercise in isolation from you ? Surely, you, who want to guard your own liberty of action and rightly resent the very idea of coercion, will not desire that the reformers should be coerced into carrying out schemes of amelioration which you hold to be necessary in exactly the same manner as you would like ? I venture to suggest a better way since you are at one with these reformers in conceding the desirability of ameliorating the condition of the Harijans, and since you have not hitherto done anything tangible in that direction. Subscribe liberally to the funds that the reformers are collecting, and use them as your agents for carrying out the common scheme, and respect their interpretation of Hindu religion as you would have them

to respect yours. Hitherto, in practice, you have not objected to the reformer's action in associating with the Harijans. You have suffered him to go his own way. You have not boycotted him. There is then no meaning in your opposition now, simply because the movement has become more active and more universal than before.

One difficulty still standing in the way is who is to have the use of the public temples and other public institutions that are in existence, and from which Harijans are at present debarred in some cases legally and in others—far more numerous cases—illegally. There is a very simple way out of the difficulty. If only each party will shed anger and mutual disrespect, a referendum can easily be taken for each village or group of villages and each city or each division of a city, and whichever party has the majority in favour of its view should make use of the public institutions, including temples; and if the Sanatanists carry the majority with them, they should defray their share with the reformer of the cost of providing equal services for the reformers and the Untouchables. I bracket the reformers with the Harijans, for if they are worth their salt and will work up to their conviction as time progresses, the duty must devolve upon them of denying to themselves the use of a single service which the Harijans cannot enjoy with the Caste-Hindus on absolutely equal terms. The Sanatanists should bear the whole cost of bringing into being parallel services because, as I have understood from the correspondence and as have explained above, the Sanatanists agree that the Harijans are entitled to the same services that they have hitherto enjoyed and of which Harijans have hitherto been deprived. Let not the Sanatanists run away with themselves by picturing a condition of things as existing, but which in reality does not exist. Let them clearly understand that the removal of Untouchability in accordance with the Yerawada Pact and with the declaration of the recently formed All-India Anti-Untouchability League, includes not more than I have narrated. It does not include inter-dining and inter-marriage. That many Hindus, including myself, would go much further ought not to disturb the Sanatanists. They will not want to stifle private judgment or private action and if they have deep faith in what they believe they should not take fright in anticipation of what is to come. If a particular reform has an inherent vitality and has come in response to the needs of the time, no power on earth can stem its irresistible march.

The third question is: "Are you not retarding political emancipation by forcing on public attention your views on social and religious questions, and springing upon the public a hurricane agitation for their acceptance?" I cannot answer this question at length without trespassing upon the limits which as a prisoner I have accepted for conducting the Anti-Untouchability Campaign. But this much I can say, that those who know me at all should understand that I draw no hard and fast line of demarcation between political, social, religious and other questions. I have always held that they are inter-dependent, and that the solution of one brings nearer the solution of the rest.

This does not exhaust the questions which I have collected from the correspondence which is already proving more than I can handle, with the very limited assistance which only naturally I can have, I must deal with the rest to the best of my ability in the statement to follow. I would here like to urge the correspondents to be merciful. Hitherto, I have punctiliously acknowledged almost all the letters that have reached me, but the correspondents will henceforth please be satisfied with whatever answers I can give through the series of statements I am issuing, and they will help themselves and me if they will be brief and write only when they have something original to say, or when they have questions to which they must have answers from me, before they can form their judgment on any issue arising in connection with the movement.

#### 8th Statement—Yerwada Jail, 17th, November 1932

The following is Mahatma Gandhi's eighth statement issued on 17th. November:—

Here is another question that many correspondents have asked: "You say you believe in the Shastras. We do not understand what you mean by them. For, you seem arbitrarily to reject many things which are supported by the Shastras. Even the Gita that you swear by requires one to follow the Shastras."

I must repeat what I have said in a previous statement that, for me, nothing that is inconsistent with the main theme of the Gita is Shastras, no matter where it is found printed. If I do not shock my orthodox friends, I would like to make my

meaning clearer still. Nothing that is inconsistent with the universally first principles of morality has for me the authority of *Shastra*. They are ~~not~~ <sup>not</sup> to supersede, but to sustain the first principles, and the *Gita* is all-sufficing for me, because it only conforms to the first principles, but it gives you solid reasons for adherence to them at any cost. But for this golden rule that I have suggested, laymen like me would flounder in the midst of a forest of conflicting texts and a pile of nicely printed and equally nicely bound Sanskrit volumes, for which rival Pandits claim divine authority.

There are many *Smritis*, some of which are unknown outside the little areas in which, by a few hundred men, they are held in veneration. No one can give their origin or the dates of their composition. I saw one such volume in the South. When I enquired of the learned scholar-friends about this volume they told me they had no knowledge of it. There are numerous *Agamas* which, when examined, contradict one another, and which have no binding effect outside the little areas where they find acceptance. If all these books were to be held as binding on Hindus, there is hardly an immoral practice for which it would be difficult to find *Shastric* sanction. Even in the hoary manuscripts from which, if verses of doubtful authenticity are not expurgated, one would discover several texts contradicting the loftiest moral teachings to be found spread throughout that great book. Therefore, the meaning I have given to the word "*Shastra*" in the *Bhagwad Gita* in which it occurs only in one context, is not any book or set of laws outside the *Gita* itself, but it means right conduct embodied in a living authority. I know that this is not likely to satisfy the critic and as a layman I can give no lead to anybody; but, I can satisfy the curiosity of my critics by telling them what I mean exactly by "*Shastra*".

Another question put with equal persistence is this: "What do you mean by divine guidance or the inner voice and how would you and for that matter the world, would fare if everyone claimed such guidance for himself and each acted in a manner wholly different from his neighbours?" This is a fair question, and we would come to a pretty pass if Divinity had made no provision by way of self-protection. Whilst therefore all may lay the claim, some alone will be able to justify it. A person falsely claiming to act under Divine inspiration or the promptings of the inner voice without having any such, will fare worse than the one falsely claiming to act under the authority of an earthly sovereign. Whereas the latter on being exposed will escape with injury to his body, the former may perish body and soul together.

Charitable critics impute no fraud to me, but suggest that I am highly likely to be acting under a hallucination. The result for me, even then, will not be far different from what it would be if I was laying a false claim. A humble seeker, that I claim to be, has need to be most cautious and to preserve balance of mind. He has to reduce himself to a zero before God will guide him. Let me not labour this point. The claim I have made is neither extraordinary nor exclusive. God will rule the lives of all those who will surrender themselves without reservation to him. In the language of the *Gita*, God acts through those who have acquired complete detachment i.e., self-effacement. Here there is no question of hallucination. I have stated a simple scientific truth to be tested by all who have the will and patience to acquire the necessary qualifications, which are again incredibly simple to understand and easy enough to acquire, where there is determination.

Lastly, no one need worry about my claim. What I am asking the people to do is capable of being verified by reason. When I disappear from the scene, Untouchability will have to be removed. Whether the fast is divinely inspired or not, it need not be a matter of concern even to my closest associates. They may out of affection for me work with double zeal in the cause. That would be no calamity even if it was found that the fast was the foolish act of a self-willed friend. Those who have neither affection for nor faith in me will remain unmoved by it. Constant harping, therefore, on the contemplated fast, or my claim in regard thereto is calculated to befog the public mind and turn attention from the great work before the nation. I would, therefore, conclude this statement by drawing the reader's attention to a few pictures that I have picked up from the voluminous correspondence in my possession.

Here is one from Ville Paria, a suburb of Bombay inhabited by well-to-do Hindus. "Among others the suburb has in round figures 1,700 villas or houses. The Municipality has an income of Rs. 70,000, of which Rs. 31,000 are spent for conservancy. The scavengers are accommodated in quarters where are no roads, no arrangement



for water supply and no sanitary convenience. The land itself is low-lying. The huts are hovels constructed from dilapidated tins, which were once used for conservancy work. There is no lighting. Near-by is the dumping ground for the suburban rubbish, which gives an eternal stench. Next to it is a structure for housing conservancy motor lorries. Attached to this is a water-pipe for washing dirty tins, and if the overseer is well disposed, he would allow the scavengers to help themselves to water from this pipe. On the other side is a row of carts that receive the buckets collected from the privies of house-holders. It is in these surroundings that the scavengers have to pass their life. These quarters are surrounded by fields which are often under water, breeding mosquitoes, harbouring scorpions, snakes and field rats. Thirty-one families live in this condition. They are composed of thirty-five men, twenty-five women, thirty-four boys and fifteen girls. Of this population of one hundred and nine, only nine boys can at all read and write with difficulty. The rest are utterly illiterate.

This is a suburb where the inhabitants, if they had any thought for these fellow-beings of theirs, could well afford to provide for them decent accommodation in decent quarters with water, lighting and all the other conveniences which are part of the city life. There is work here for both the Sanatanists and the Reformers. It would be no answer to my complaint that the Ville Parle Municipality has an income of only Rs. 70,000, out of which it spends the princely sum of Rs. 31,000 on conservancy. I know that the inhabitants of Ville Parle are well-to-do enough to tax themselves specially on behalf of these useful servants of society, but I would regard that as a slow process. It is the primary duty of the Hindu inhabitants to make decent collections and provide suitable quarters and other convenience for the scavengers. If they do so it would even then be a tardy performance of a very simple duty done to their fellow-men. When they have done this, there would be point in their moving the Municipality to take up the burden of additional annual expenditure that would undoubtedly have to be incurred in order to enable the scavengers to live in comparative comfort.

An almost identical picture has been drawn by Sjt. A. V. Thakkar, the tireless Secretary of the All-India Anti-Untouchability League, of the scavengers' quarters he has inspected during his travels undertaken on behalf of the League. He gives a harrowing tale about the condition of such quarters in Danpur, and other places about Patna in Bihar. How I wish that, instead of engaging in a fruitless controversy about what is and what is not contained in the Shastras, about Untouchability, every one of us would apply ourselves to ameliorating the wretched condition of the so-called Untouchables. There is work enough and to spare, for all my learned correspondents who, almost without exception, have assured me that they yield to no one in their desire to better their material and moral condition.

#### 9th. Statement—Yervada Jail, 28th. November 1932

The following is the ninth statement of Mahatma Gandhi issued on the 28th. November :—

As 1st January is nearing, the correspondence on Guruvayur is increasing. Instead of answering one by one the questions that arise from the correspondence, it would be perhaps simpler to answer them by way of a mere statement of my position. The fast will begin on the 2nd January next if, before that date, the Guruvayur temple is not opened to Harijans on the same terms as it is open to Caste-Hindus in general, but the fast will be postponed if it becomes clear that a majority of the temple-going Hindus in the neighbourhood are opposed to the temple-entry of Harijans, or if it is clear that, although everybody is willing to open the temple to Harijans, there is a legal difficulty that cannot be overcome before the 2nd January next. The majority of letters received by me assure me that the temple-goers are in favour of the admission of Harijan worshippers to the temple. One or two correspondents vehemently contest the position, and claim that a proper referendum will result in an overwhelming majority against such entry. These correspondents have given me no proof to support their opinion, whereas the others say that they have actually taken a referendum after their own fashion, and found it to be in favour of the temple-entry of Harijans. If orthodox people will agree, a fresh referendum can at once be taken in the presence of referees appointed by both the parties.

I need not repeat here the scheme suggested last Saturday in answer to a question from the "Times of India" correspondent. Anyway, the reform party should

lose no time in fortifying their contention with incontestable proof. They, however say that, although the opinion of the temple-goers may be overwhelmingly in their favour, the key to the temple is held by the Zamorin. That is, no doubt, technically true, but he is not the owner. He is a trustee representing the temple-going public. Therefore, he cannot resist the clearly expressed wish of the majority of them. It is his duty to overcome the legal difficulties, if there are any. If he fails to do so, it simply means that the force of public opinion has not become strong enough to compel the performance of his obvious duty. The fast will then further solidify public opinion so as to make itself felt. The key to the temple therefore is in fact in the hands of the public. But, as the legal maxim has it, law or equity helps the watchful, never the slothful. Let Kerala reformers, therefore, not blame the Zamorin. It is discourteous and wrong to impute motives to him. If he refuses to open the temple to Harijans, let us think, he is not convinced of the public demand. His refusal must be a signal not for abusing him, but for discovering the weakness in our own position. It is surely more dignified and proper for the public to feel that its clearly expressed wish cannot be flouted by its representative which the Zamorin is.

Guruvayur has already become an All-India concern. Let the Caste-Hindus all over India bestir themselves, and declare their opinion that they desire the Guruvayur temple to be opened to Harijans. The moral force of such opinion, honestly and freely expressed, will be irresistible.

I have already warned the reformers against using unbecoming language in respect of orthodox Sanatanists or No-Changeers as they have called themselves in a petition addressed to His Excellency the Viceroy. They are entitled to their opinion. I look upon this Untouchability question as primarily religious, and I would like both the No-Changeers and the Reformers to work in a religious spirit without imputing motives to one another. No reform, much less a religious reform, can be or should be carried by compulsion. I have repeatedly stated, in unequivocal terms, the limitations and the functions of the proposed fast.

A correspondent writing in Gujarati for himself and others says :—"In effect, it is all very well for you to say that you do not want to coerce anybody, but your position cannot but compel some people to act against their will. Some of us have no respect for your religious views or your social reforms, but we want you to live for your political power and, therefore, if you persist in fasting, we will have to pocket our convictions and help you in your fight for temple entry. If this is not coercion, we do not know the meaning of that word."

My answer is : I must not be expected to surrender my cherished convictions, because I hold a prominent position in the Indian world, or because I have some political influence. I cannot barter away my faith or suppress it for the sake of retaining my social position or political influence. Everything is subservient to and is derivable from that faith. Ask me to deny or suppress it, and it would be worse than asking me to commit suicide. I would also venture to suggest that those who subordinate their convictions to their regard for my position or political influence, can only have shallow convictions, if any at all. Convictions are made of sterner stuff. People have been known to stake their all for the sake of their convictions which may then be called religion.

Then says the same correspondent : "What is the poor Zamorin to do ? On the one hand, you and Mr. Kelappan will fast. On the other, one thousand No-Changeers are said to have decided to do likewise. Whom is the Zamorin to please ?"

I answer without the slightest hesitation : "The Zamorin is to please neither party. He is there to please God, which is Truth. He is there to do his duty, and if it demands the sacrifice of a thousand No-changeers, Mr. Kelappan and myself, he should have the courage to do so, and he will deserve the honour of his own generation and posterity. God will take care of the fasting fraternity. Those who fast will do so for defending Truth as they see it, and the God of Truth will do what he likes with them. If their fast is in answer to the inner urge it will be its own reward."

"But" persists the same correspondent : "It is all very well for you to talk of God conscience, the inner voice and all that ? Others also can and do put forth the same claim. What are we, who have no inner voice, who have no God to parade before the public to do, and whom are we to believe ?"

I can only say : You have to believe no one, but yourselves. You must try to listen to the inner voice, but if you won't have the expression 'the inner voice',

you may use the expression 'dictates of reason' which you should obey. If you will not parade God, I have no doubt you will parade something else which, in the end, will prove to be God, for fortunately there is no one and nothing else but God in this universe. I would also submit that it is not every one claiming to act on the urge of the inner voice that has that urge. After all, like every other faculty, this faculty for listening to a still small voice within, requires previous effort and training, perhaps much greater than what is required for acquisition of any other faculty. Even if, out of the thousands of claimants, only a few succeed in establishing their claim, it is well worth running the risk of having and tolerating doubtful claimants.

So much for the Gujarati correspondent. I must now conclude this statement with a question from a correspondent who writes in English. His is a long letter containing elaborate arguments, but I think the following epitome correctly represents him. "Hitherto, I have known you to be free from any trace of communalism, but you now suddenly appear in a communal garb. I could have understood and justified your fast for Swaraj or for All-India unity, but I cannot understand this fast on behalf of Hinduism. I have never taken you as a Hindu at all, certainly not as a narrow Hindu. What is there in opening temples to Harijans who do not want to go there?"

I am glad of this question. I have no desire whatsoever to appear to anyone as other than what I am. I am not ashamed of Hinduism or of being a Hindu. I totally deny being narrow. I fancy I could not be held, for one single moment, by a narrow creed. It is because the super-imposition of Untouchability would make Hinduism a narrow creed, that I have rebelled against it. I would count my life to be a cheap price to pay for the removal of that blot.

I have nothing of the communalist in me, because my Hinduism is all-inclusive. It is not anti-Muslim, anti-Christian, or anti any other religion, but it is pro-Muslim, pro-Christian, and pro every other living faith in the world. To me, Hinduism is but one branch from the same parent trunk, whose roots and whose quality we judge only by the collective strength and quality of the different branches put together. I take care of the Hindu branch on which I am sitting and which sustains me, surely I am taking care also of the sister branches. If the Hindu branch is poisoned, the poison is likely to spread to the others. If that branch withers, the parent will be the weaker for its withering.

"If my correspondent and those who think with him have followed me hitherto, they will discover that if God gives me the privilege of dying for this Hinduism of my conception, I shall have sufficiently died for the unity of all and even for Swaraj. Finally, let me repeat what I have said before now, that the question whether Harijans want to or would enter temples if they were open to them is irrelevant. The removal of Untouchability is not a matter of bestowing patronage on Harijans. It is one of penance and purification by the Caste-Hindus. One of the penances they have to do is to open Hindu temples and invite Harijans to them."

## Mahatma Gandhi's Second Fast

### In Sympathy with Patwardhan—a fellow Prisoner

The following are the details of the fast, according to the 'Hindu' correspondent. which Mahatma Gandhi undertook on Saturday, the 3rd, December 1932. He commenced this fast in sympathy with Prof. Apparabeb Patwardhan of the Gujarat Vidyapith, one of his co-workers, at this time in the Ratnagiri District Jail as a "C" class prisoner. A Brahmin by birth, Prof. Patwardhan petitioned the Government to allot to him scavenging as jail-labour. The Government allowed him to do the job for a few days, but later withdrew the permission, on the ground that professional scavengers alone should be employed in jail conservancy. Prof. Patwardhan repeatedly renewed his request but in vain. Thereupon, he decided to court slow death by reducing his rations. Gandhiji, coming to know of Prof. Patwardhan's decision, wrote to the Government strongly supporting the Professor's request to be allowed to do scavenging work.

The Mahatma's letter did not get a favourable response, whereupon on Wednesday last, Gandhiji wrote a letter to the Government, to the effect, that loyalty to a dear comrade who was dying by inches for the sake of a noble cause demanded that he should also share his agony by offering his life and that, therefore, he had decided to fast unto death if the Government did not grant Prof. Patwardhan's request before Saturday morning.

Gandhiji explained that he knew that he was giving the Government a very short notice, but could not help it, when his comrade was actually suffering. He had not taken this decision hurriedly. He had considered the issue deeply and the inner voice had urged him to go on a sympathetic fast.

On Saturday morning, Gandhiji received a stiff reply from the Government, stating that he could do self-consecration if he liked, but that he should not interfere in the Patwardhan affair. The Government, it was said, thought that if they yielded in this case, the idea would spread all over India and it would prove a "regular nuisance." They found it difficult to accede to Gandhiji's request, though it appeared to the latter to be a simple one.

The Government reply forced the issue. After prayers, the Mahatma announced his decision to fast unto death. The fact that Gandhiji was fasting was not known, at first, even to several of his friends, including the Anti-Untouchability Board members, who met him. After twenty-four hours' fast, Gandhiji had to be carried on a stretcher to the mango tree in the shade of which he used to receive visitors. The news of Gandhiji's fast spread like wild fire in Poona and crowds began to assemble in front of the jail gate.

The Inspector-General of prisons assured Gandhiji that he would do his best and have the matter settled in two days' time, but in the meanwhile, requested him to break his fast. Gandhiji found his request reasonable and agreed to suspend the fast until Wednesday (7th) morning pending the Government's final decision. In the shade of the mango tree, after prayers and exhorting his friends to stand by the Harijans, Gandhiji broke his fast by taking orange-juice.

Subsequently, in a statement issued to the press on the 7th. December, Mahatma Gandhi said that the matter was settled for the time being. He continued: "The Government have regarded the question as of All-India importance. From the point of view of prison administration, they had difficulty in giving a decision in connection with the request of Appa Sahab Patwardhan, but they have consented to consider the whole question and announce their decision as early as possible. In the circumstances, I recognised the Government's difficulty myself, and was permitted to send a telegram to Appa Sahab advising him, pending Government decision, to suspend the partial fast. The result is Appa Sahab begins to take his full rations from to-day, and my fast stands, naturally, further suspended."

## Satyagraha at Guruvayyur

South India had now become the storm centre of Anti-Untouchability work. An attempt was made to force open the temple of Lord Sri Krishna at Guruvayyur to the Depressed Classes. The Zamorin of Calicut as the trustee of the temple refused to throw open the temple to the Untouchables and in support of his action cited Sec. 40 of the Hindu Religious Endowments Act which said that no trustee could do anything against the custom and usage of the temples entrusted to him. Mr. Kelappan, one of the best Kerala workers and most devoted to the Untouchables' cause, commenced a fast in protest on the 20th. September, and continued it in front of the temple in the sun till the Zamorin revised his views in favour of the Untouchables. Being hard pressed from all sides the Zamorin appealed to Mahatma Gandhi to request Mr. Kelappan to suspend the fast for some months. He said that at present the entry of untouchables would wound the orthodox conscience and such wounding would amount to coercion. Accordingly, Mr. Kelappan suspended the fast on 1st. October for three months at Mahatma's express desire, to resume it if needed at the end of the period with Mahatma's sanction. The Satyagraha was also stopped for the same period giving the Zamorin ample time for consultation.

Three weeks rolled away and the Zamorin could not do anything in the matter of opening the temple. In the meantime, Mahatmaji sent a telegram to the Zamorin requesting him to try his best to get over all difficulties, legal or otherwise, in the way of opening the temple to the Untouchables. Mahatmaji said that Mr. Kelappan's acceptance of his advice threw a heavy responsibility on his shoulders, perhaps even to the extent of sharing his fast, if the temple was not open to the Avarna Hindus during the period of suspension of the Satyagraha.

In the course of the first statement after the fast, issued to the press on the 5th November, Mahatmaji said: "There is another fast which is a near possibility and that in connection with the opening of the Guruvayoor temple in Kerala. It was at my urgent request that Mr. Kelappan suspended his fast for three months, a fast that had well nigh brought him to death's door. I would be in honour bound to fast with him if on or before 1st January 1932 that temple is not opened to the untouchables precisely on the same terms as to touchables, and if it becomes necessary for Mr. Kelappan to resume his fast."

The Zamorin expressed his inability to do anything in the matter. In the course of a statement to the press he said: "The various appeals that are being made for throwing open the temples to Avarnas proceed upon an inadequate appreciation of such difficulties. In these circumstances there is hardly any justification for thinking that it is in my power to throw open the Guruvayoor temple to the Avarnas as desired by the supporters of the temple-entry campaign."

What transpired subsequently is given in the following statements issued to the press from time to time by Mahatmaji.

### Mahatma Gandhi on Guruvayur

In a special interview given to a representative of the Associated Press inside the Yeravada Jail on the 7th November, Mahatma Gandhi emphasised that South India had become the storm-centre, and explained the reasons why the Guruvayoor question was worth the price, he had expressed his determination to pay.

"The Guruvayur temple has come in my way by accident. I have no option left to me. After all, Mr. Kelappan is in my opinion one of the noblest of India's silent servants. A distinguished public career was open to him any day. He is a well-known worker in Malabar, but he deliberately threw in his lot with the unapproachables and invisibles. I had the pleasure and honour of working with him at the time of the Vaikom Satyagraha. Long before that time and ever since, he has been devoting himself to the uplift of the suppressed humanity. As the public know, after a long waiting, he made a fixed determination to give up his life in the attempt to have the Guruvayur temple opened to Harijans. I discovered, however, a flaw in his fast. I immediately pointed it out to him, and although he believed that victory was within sight, he nobly responded, and let it slip from his hands, retracted his steps and suspended his fast. When I telegraphed to him, I bound myself to fast with him if resumption became necessary, on the termination of the three months' notice he gave. I should be an unworthy servant of India and an unworthy comrade if now I flinched and abandoned Mr. Kelappan to his fate.

"But there is something more than the life of a comrade or my own personal honour involved in this question. Everyone recognises that the Depressed Classes' question has to be solved now or never. There are thousands of men and women like me who cling to Hinduism because they believe there is in it the amplest scope for mental, moral and spiritual expansion. This bar sinister, put upon nearly sixty million human beings, is a standing demonstration against that claim. Men like me feel that Untouchability is no integral part of Hinduism. It is excrescence, but if it is found to be otherwise, if the Hindu mass mind really hugs Untouchability, reformers like me have no other option, but to sacrifice ourselves on the altar of our convictions."

### Mahatma's Contemplated third Fast Postponed

Subsequently Mahatmaji modified his condition of resuming a fast to the extent that if a referendum was taken in Ponnani Taluk where the temple was situated, and if the residents of the Taluk went against temple entry, then he would refrain from fasting. The following statement of Mahatmaji giving the reasons for the postponement of his fast was issued to the press on the 29th December 1932:—

"I had a full consultation with Messrs. C. Rajagopalachariar, K. Madhavan Nair and Kelappan, who have come to Poona to confer with me. They placed the results of the Guruvayur referendum before me. The referendum was taken in Ponnani Taluk, where the temple is situated. Never, perhaps, was a referendum taken with such scrupulous care or with such scientific precision. Before this, rarely to my knowledge, have 73 per cent of eligible voters voted.

"In order to find out the truth, voting was confined only to those who were actual temple-goers,—that is to say, those who were not entitled to enter Guruvayur temple and those who would not, such as, Arya Samajists, were excluded from the voters' list. I had intended, without thinking of all the implications, actually to find out by some method of examination, who were actual temple-goers but I found it utterly impracticable. It was enough to announce that only those should vote who believed in temple-going, who had faith in temple-worship as an integral part of the Hindu religion, and who were entitled to enter the Guruvayur temple. The total population entitled to temple-entry being approximately, 85,000, the outside estimate of adults may be taken as 30,000. As a matter of fact, 27,485 adult men and women were actually visited for receiving their votes. Of these 56 per cent were in favour of temple-entry, 9 per cent voted against, 8 per cent were neutral and 27 per cent abstained from recording their votes.

"It should be remembered that the referendum was taken amidst adverse influences. The Zamorin would not co-operate and, I am sorry to have to say, even cast aspersions upon the workers and the procedure they followed. Ponnani taluk is the stronghold of orthodoxy, and yet there was a decisive majority in favour of the admission of "Untouchables" into that shrine, now made famous throughout the length and breadth of the land.

"The figures are also instructive as showing that both men and women had no hesitation, in spite of the contemplated fast, of expressing their dissent. I would also draw a fair deduction from the neutrals and non-co-operators. They could not all, if they had chosen to give their decision, be regarded as being against the temple-entry of Harijans. It would not be a bad or unfair guess to make if I suggested that a fourth of these, at least, were probably for temple-entry. The percentage of the voters favouring temple-entry would then be 65 per cent of the total eligible voters. If they be excluded altogether from the referendum, the majority would be 77 per cent. Turn the figures as we may, the unchallengeable conclusion is that a decisive majority of the eligible voters are in favour of temple entry by Harijans. That fact shows that Mr. Kelappan's statement, that the majority of the temple-going population surrounding Guruvayur was in favour of temple entry, is correct.

"In view of the official announcement that the Viceregal decision as to sanction for the introduction, in the Madras Legislative Council, of Dr. Subbarayan's permissive Bill with reference to temple-entry could not possibly be announced before the 15th January, the fast contemplated to take place on the second day of the New year will be indefinitely postponed and in any case up to the date of the announcement of the Viceregal decision. Mr. Kelappan concurs in this postponement.

"As the contemplated fast was addressed to the public, let me, at the risk of repeating what I have said previously, state my own position clearly. My fast I regard as a purely spiritual act and, therefore, not capable of being fully explained. But, in so far as I can, I may say it is intended to stir the public conscience. Hinduism teaches that, when evils and corruption are beyond control by ordinary means, human endeavour is supplemented by tapasya or penance which, in its extreme form, means fasting, either conditionally or unconditionally. Therefore, it is no new thing. But for the influence, supposed or real, I enjoy among the masses, perhaps no notice would be taken of it.

"My conviction is that Hinduism has fallen from the purity and the vitality it once had. Its very scriptures are evidence of continuous progress and adaptability to circumstances that arose from time to time. Though it retained unimpaired the claim to divine inspiration for the scriptures as a body, it did not hesitate to introduce new reforms and make changes. Hence it is that we have in Hinduism, not only the Vedas, but all the later writings claiming authority. But the time came when this healthy growth or evolution was arrested, and instead of the written word being used as an aid to the search for light from within, it was held to be all-sufficing, whether it accorded with the longings and strivings of the spirit within or not. The descendants of those who wrestled with God Himself and drew from Him some of the imperishable things one finds in the Vedas and the

later writings, felt too exhausted for further effort, either to wring out new meaning from an old verse or mantra or produce a new mantra. They felt they had done with God and that God had finished His work, after inspiring the last verse of the latest Shashtra. And so one finds an army of interpreters seeking to reconcile often irreconcilable texts, unmindful as to whether they answer the pressing needs of the age or whether they can stand the light of a searching examination. Even penances took a more outward form, instead of being an expression of the inward agonizing struggle. I may be wrong in my diagnosis, but such being my case, and finding the Hindu Society irresponsible to the central call of Hinduism, that is, progressive realisation of the unity of all life, not as a philosophical doctrine but as a solid fact of life, I thought that by my continuous effort to live my religion as I understand it, I had the fitness for doing penance by way of fasting and that I had such a call from within.

"I hope it is easy for the reader to see that there is no coercion behind a fast thus conceived. If my fast was a fixed unconditional one, it is obvious there can be no coercion about it, for nothing that the public may do or not to could suspend the fast. If a conditional fast is held to be coercive, it would be so considered because of the condition. My fast has not deterred people from sticking to their principles, or even their inclinations as was seen at Guruvayur.

"The public will now understand that postponement is what it means and no more. The fast was intended to secure the admission of Untouchables into the Guruvayur temple, and if its resumption is necessary in a legitimate manner to secure the opening, it will certainly come. If through the mere supineness of the reformers and the consequent want of expression of public opinion, demanding the necessary legislation to remove the block created by the decisions of the courts and law of trusts or the Madras Religious Endowments Act, which itself was a measure affecting religion, naturally the fast has to be resumed—that is to say, the fast must be resumed for acts of omission or commission by those who are believed to favour the opening of the Guruvayur temple.

"The Yerrada Pact was entered into between the representatives of the Caste-Hindus and the Harijans, and while confirming the Pact at the memorable conference in Bombay, the former resolved as follows:—

"This Conference resolves that, henceforth, amongst the Hindus, no one shall be regarded as untouchable by reason of his birth, and that those who have been so regarded hitherto shall have the same right as other Hindus in regard to the use of public wells, public schools, public roads and other public institutions. These rights shall have statutory recognition at the first opportunity, and shall be one of the earliest Acts of the Swaraj Parliament, if they shall not have received such recognition before that time. It is further agreed that it shall be the duty of all Hindu leaders to secure, by every legitimate and peaceful means, an early removal of all social disabilities now imposed by Caste-Hindus upon the so-called Untouchable Classes, including the bar in respect of admission to temples."

"If the distinguished Caste-Hindus that passed the resolution, represented, as they claim to, the Hindu portion of the Indian nation, the claim has to be made good by increasing fraternisation, day by day, with Harijans on the part of Caste-Hindus, by way of opening to them public temples and other public institutions.

"Mr. Kelappan's fast over the opening of Guruvayur temple was actually going on whilst the Pact was emerging, and I asked him to suspend it principally at the suggestion of the Zamorin of Calicut. Moreover, as I have already said, when on the British Government's acceptance of the relevant portion of the Pact I broke my fast, I solemnly assured Dr. Ambedkar and took a vow in the secret of my heart and in the presence of God, that I would hold myself as a hostage for the due fulfilment of the resolution above-mentioned, and the general carrying out of the Pact by the Caste-Hindus. It would be a betrayal of trust and betrayal of Harijans, if in any shape or form I slackened my effort, or gave up altogether the intention of fasting in connection with the removal of Untouchability.

"I would like the voiceless and helpless Harijans to feel that thousands of Hindu reformers, as zealous of the Hindu religion and the scriptures on which it is based, as any Hindu calling himself a Sanatanist can be, are prepared, no less than I am, to sacrifice their lives, if need be, in an attempt to remove Untouchability root and branch. There can be no rest, therefore, to me of those who, by word of mouth or show of hands, silently endorsed the resolution, until Untouchability becomes a thing of the past. It would be only out of the ashes of Untouchability that Hinduism can revive, and thus be purified and become a vital and vitalising force in the world."

# **INTER-COMMUNAL NEGOTIATIONS**

**HINDU—MUSLIM—SIKH—CHRISTIAN**

**JULY—DECEMBER 1932**





## INTER—COMMUNAL NEGOTIATIONS

(Hindu—Muslim—Sikh—Christian)

The problem of the Depressed Classes having now been settled, a fresh endeavour was made to establish unity and goodwill between the Hindus and the Muslims and the Sikhs and other minority communities. Pandit Malaviya in a statement to the press revealed the inner story of the efforts at *rapprochement* made at this time. He said that the first suggestion came from Maulana Abul Kalam Azad in Calcutta soon after the announcement of the Communal Award when Pandit Malaviya was on a visit to that city. From the fact that the award had aroused general dissatisfaction, Maulana Azad pressed on Pandit Malaviya the desirability of making fresh efforts to bring about an agreement between the various communities in India and put forward certain proposals towards that end. These were referred by Pandit Malaviya to some Muslim and Hindu leaders and the question was again taken up in Bombay soon after the signing of the Poona Pact. Maulana Azad and Dr. Syed Mahmood met Pandit Malaviya in Bombay and again emphasised the opportuneness of the time to tackle the question. Dr. Syed Mahmood saw Maulana Shaikat Ali who expressed himself very willing to negotiate an agreement on the basis of joint electorates with certain conditions. Pandit Malaviya also met Maulana Shaikat Ali and his co-workers and they had a general talk on the subject whereat they agreed that it was extremely desirable in the interests of the community as well as the country that they should arrive at an agreement between all parties which would be honourable and beneficial to all. Subsequently, the Maulana sent Pandit Malaviya a note stating what, in his opinion, the Muslim leaders were likely to accept as a substitute for the communal award, but he pressed him to revise these terms so as to make them acceptable to all and thus ensure what the Maulana had himself described as a 'permanent and honourable agreement'. While expressing himself unable to commit himself to any definite proposals without consulting the Sikhs of the Punjab and the Hindus of Bengal, Pandit Malaviya said that he had undertaken his visit to these provinces with a view to work for an agreement which they all desired. In view of all these talks Maulana Shaikat Ali who was to have started for America on the 6th. October postponed his journey. In a statement to the press, the Maulana said :

"I hope at this critical juncture, the Muslim leaders will sink their petty differences and clear the road for our constructive programme." The Maulana appealed to his co-religionists to co-operate "in this great task" and hoped all Khilafatists, old and new, would give the heartiest support to the Khilafat President in his new endeavour. The Maulana also appealed to the Viceroy to release Mahatma Gandhi and to Hindu and Muslim leaders not to spare any honest and sincere effort to bring about peace. He sent the following telegrams to the Private Secretary to H. E. the Viceroy and Mahatma Gandhi on the 6th. October 1932 :—

### Maulana Shaikat Ali's Telegram to Viceroy

"Kindly convey to His Excellency my respectful greeting on the eve of my departure to America, via England, and place before him my humble request. I have met Maulana Abul Kalam Azad, Dr. Syed Mahmood and Pandit Malaviya for an amicable and lasting settlement between the various parties and interests. But I feel that, without Mr. Gandhi's presence and co-operation, it is not easy to achieve the desired settlement which would bring real peace, not only to the various communities, but also to the British people. Mr. Gandhi's release will be a very helpful gesture of good-will on the part of the Government. If, unfortunately, that is not possible, at least the fullest facility should be given for interviews between Mr. Gandhi and the responsible leaders and workers."

### Maulana's Telegram to Mahatmaji

The telegram to Mahatma Gandhi ran as follows :

"Earnest and helpful conversations held with Mr. Abul Kalam Azad and Dr. Syed Mahmood, which would bring an honourable understanding between the Muslims. I have also seen Pandit Malaviya with my co-workers, and had a very hopeful and satisfactory interview. I must sail to-day to keep old engagements in

America, but could later return to England for a final settlement. I beg you to use your influence for an honourable peace between the various parties, including the British Government and the Princes. Accept my love; and convey the same to our sister Mrs. Sarojini Naidu."

#### **Viceroy's Reply to the Maulana**

The Private Secretary to H. E. the Viceroy wired as follows to Maulana Shaukat Ali, dated the 9th. October 1932.

"His Excellency, while fully appreciating your intentions in desiring to negotiate a settlement between the various communities, presumably in modification of the Communal Award, feels that the first step will be for you to assure yourself that in the action you contemplate you have the support of the Moslem community in general. In this connection, attention is invited to the statement issued to the Press on the 7th October by the President of the All-India Moslem Conference and others."

#### **The Maulana's Reply to the Viceroy**

The Maulana sent a reply to the Viceroy's telegram assuring him that India could not afford any more quarrels and disturbances of a communal and political nature. "The Lucknow Conference," the Maulana said, "is meant to bring round all shades of Muslim opinion, which would facilitate a Hindu-Muslim settlement and honourable peace between Britain and India. To us no peace would be acceptable which does not include Britain and under which some one has to intervene and act as mediator. I value the comradeship of those who have issued a statement from Simla, and have every hope that they would appreciate our efforts when they know its real significance." Maulana Shaukat Ali appealed to His Excellency to use his influence with all concerned, so that there could be a peace that would benefit all. Gandhiji's release or facilities to see him, the Maulana said, would give beneficial results. The Maulana concluded: "I hope all are in a chastened mood to-day and ready to reconsider their position. Under these circumstances may I, humble servant of Islam, beg that our request would receive favourable consideration from His Excellency."

#### **The Viceroy's Counter-reply**

The Private Secretary to His Excellency the Viceroy replied as follows to Maulana Shaukat Ali dated, 27th. October:—

"I have received your letter of October 26th which I observe has also been published in the Press, and I have submitted it to His Excellency. His Excellency would refer you to the telegram which he sent to Sir P. S. Sivaswami Aiyar on the same subject on October 9th last. I attach a copy of the telegram for reference. In view of the position therein stated, you will understand that so long as Mr. Gandhi does not definitely dissociate himself from civil disobedience, His Excellency regrets that it is not possible to accede to your requests."

#### **Interview with Gandhiji Disallowed**

Maulana Shaukat Ali sent the following telegram to the Private Secretary to H. E. the Viceroy on the 29th. October:—

"Extremely regret His Excellency's decision. Beg grant interviews with Mahatma Gandhi any time on Sunday or Monday. Hoping Gandhiji would accept our request for these."

The Maulana received the following reply from the Private Secretary on the 30th. October:—

"My letter of the 27th October dealt with both your requests and was intended to convey that interviews with Mr. Gandhi could not be allowed."

In reply, the Maulana sent the following letter to the Viceroy on the 31st. October:—

"Thanks. Your letter and telegram both reached me yesterday. In our view, Mr. Gandhi's presence at the Allahabad Conference would have proved very useful. Hindus, Sikhs and Muslims are making earnest efforts to make this meeting at Allahabad a success." Continuing the Maulana said:

"His Excellency, when he granted me the honour of an interview, was very sympathetic towards our efforts for all round peace, but apparently his colleagues gave him a different advice, with the result that we are denied facilities for making

the Allahabad meeting a success. I am very sorry for it, but in spite of that, we mean to carry on our efforts for an honourable understanding.

"I hope the final arbiter, who watches over our destinies, would grant the Hindus, Sikhs, and Muslims, sanity of wisdom and with His Divine guidance help us at Allahabad and make our efforts in the great cause of peace successful in spite of handicaps. Peace is essential for India and in the long run every one will have to sue for it, and welcome it. With God's assistance, we will succeed. We mean to continue our efforts for an understanding. Our earnest and unselfish efforts will convince His Excellency that we are real friends of Britain and India, working for a peace honourable to all concerned and leaving no room for the humiliation of any party. The efforts may not be appreciated to-day, but are bound to carry their own reward."

### Efforts for Communal Settlement

#### BOMBAY COUNCIL MUSLIM PARTY'S VIEWS

As we have said before, the result of the negotiations between the Mahomedan leaders at Bombay was communicated to the leader of Muslims in the Bombay Council on the 5th. October in a telegram as follows :—

'Maulana Abul Kalam Azad, Dr. Syed Mahmood and Maulana Shaukat Ali desire Muslim solidarity unanimously demanding thirteen points. For electorates Maulana Shaukat Ali is opposed to unconditional joint electorates but favours compromise on the basis of the late Maulana Mahomed Ali's formula or the panel method or some safeguarding solution. Dr. Syed Mahmood and Maulana Azad promise united pressure on Hindus for accepting Muslim demands, otherwise to join us for joint action. Maulana Shaukat Ali is proceeding to America. Kindly wire your opinion and fix the place and date for meeting for consideration of the proposal'.

Sir Shah Nawaz Khan Bhutto, leader of the Council group of the Mahomedans, held a meeting on the same day as a result of which the following telegram was despatched to the president. Khilafat, Bombay :—

'Muslim party, Bombay Council, favour a Conference of All-India Muslim leaders at some central place to discuss the matter.'

#### MUSLIM LEADERS' TELEGRAMS

Sheikh Abdul Majid, President, Khilafat Committee, also received a number of telegrams from Muslim leaders all over India, prominent among them being Nawab Mohamed Iemal Khan, Seth Abdullah Haroon, Maulvi Shafi Daudi, Sir Shah Nawaz Khan Bhutto, leader of the Muslim party in the Bombay Council, and the Raja of Salempur. All welcomed the prospects of a communal settlement. Most of the telegrams received favoured the late Maulana Mahomed Ali's formula, while others thought that a panel system would do. It was suggested to hold a meeting of Muslim leaders of various schools of thought at some central place. This meeting, it was suggested, should be a preliminary to the All Parties Conference which was to be held shortly at Lucknow. They also pointed out the significance of unity in the Muslim camp as the most essential and foremost step.

#### A Die-hard Manifesto—A Discordant Note

The following statement under the signature of Sir Mahommed Iqbal, president, All-India Muslim Conference, Maulvi Shafi Ahmad Khan, Sir Zulfiqar Ali Khan, Dr. Ziauddin, Sir Mohammad Yaqub, Secretary, Muslim League, Syed Abdul Hafee, Mr. S. M. Padshah, and Mr. Mohammad Moazzam, was issued from Simla on the 7th. October :—

"We have read various accounts in the press of certain negotiations that have been started by some Muslims regarding modifications of the communal decision. The negotiations seem to have been confined only to the method of election and no person appears to have discussed the other issues to which Indian Muslims have invariably attached supreme importance, such as, an effective majority for Muslims in the Punjab and Bengal, separation of Sind, one-third representation of Muslims in the Federal Legislature and adequate and effective representation of Muslims in the public services and in the Cabinets. Indian Muslims have consistently shown their solicitude for accommodation with the members of the majority community as will be clear to anyone who has followed the numerous attempts that have been made du-

ring the last ten years to bring about communal amity and concord on a sound basis. We feel that it will be highly inopportune to reopen the question of separate versus joint electorates as we are convinced that our community is not prepared to give up this safeguard at the present juncture. Hence any discussion on the method only of representation will be barren of any result. However, we are not averse to consider any definite proposals that may be formulated by the leaders of the other community comprehending all the vital issues involved, but we would like to make it perfectly clear that definite proposals in this direction must be initiated by the majority community."

#### SIR MOHAMMAD YAKUB'S STATEMENT

Sir Mohammad Yakub, M.L.A., Secretary of the All-India Muslim League, also issued the following statement separately to the Press:—"I regret to observe that certain of the so-called nationalist Muslims have forced themselves into the limelight with attempts to exaggerate or aggravate divisions in the Muslim community and by reopening political sores to disturb the calm which has followed the Government's decision on the communal problem. In spite of the many occasions during the last ten years or more when it has been easy to see the motives underlying the tactics of the Congress advances to the Muslims or when the Muslims have first been taken in and then sadly disillusioned, it seems that some of our brethren are still able to delude themselves into trusting the bonafides of the Congress while the country's future constitution still remains unsettled.

"Previous to the Government's decision the one and only achievement by the Indian communities in the direction of a voluntary communal agreement was the Lucknow pact between the All-India Muslim League and the Congress when the principles of separate electorates for the Muslims was so thoroughly endorsed by both parties that Mr. Montagu and Lord Chelmsford made the pact the basis for recommendations on which the reforms of 1919 were founded. That principle has never been seriously challenged in any of the subsequent stages of negotiation for constitutional reform and it was accepted by Mahatma Gandhi at the last Round Table Conference. It is unreasonable to suggest that the Muslims should abandon unconditionally the safeguard promised to them by the mutual agreement already referred to. If those safeguards were right and necessary 16 years ago, they are all the more right and necessary now that we are on the eve of complete constitutional reform. The Muslims have often and consistently laid all their cards on the table and have made known their desires. In 1929 Mr. Jinnah, at the risk of incurring his community's displeasure, attended the convention called in Calcutta to consider the Nehru report and placed his very moderate scheme before the meeting but the Congress crowd would not even give him an opportunity to speak. We have yet to receive a single complete cut and dried alternative scheme from the Congress and at the Round Table Conference Mr. Gandhi was careful never to come down to brass tacks. Even when he threatened to give up his life for the consolidation of Hinduism he never uttered a word to suggest that he sought a similar national consolidation with the Muslims. On the contrary, the Congress press seems to regard the Poona pact as a means to presenting a united front against the Muslims so much so that at the Delhi meeting of the Hindu Mahasabha immediately following the Poona Pact, it was decided to recruit volunteers to tyrannise over the Muslims.

"Under these circumstances, it is hardly prudent or dignified for the Muslims to knock once again the door which has so often been slammed in their faces. It is now for the majority community to fling the door wide open and to come out to meet us with liberal terms and in the spirit of generosity which so large a majority community should always be able to show. A return now to the old era of communal negotiations and bickerings must mean a further delay of constitutional reform. I can well believe that that is what the Congress desires; for it knows that with the inauguration of reforms its *raison d'être* will cease to exist and its many dictators must lose their place in the sun. I do not believe that that is the view of any sensible statesman in India. Let the reforms be introduced first as soon as possible and let the Muslims see how the Hindus conduct themselves with provincial autonomy which will soon be placed in their hands in a great majority of the provinces in India and then if the Muslims find that they can put their faith in the justice of the majority community, they will be found perfectly willing to consider any change in the *modus operandi* of the communal settlement which may be suggested in real national interests."

### BENGAL KHILAFATISTS' SUPPORT

Mr. Akram Khan, on behalf of Bengal Khilafatists, sent the following telegram to Maulana Shaukat Ali on the 17th. October :—

"Old Khilafat workers unanimously welcome your timely move for Muslim solidarity. Ready for full co-operation as before. Muslims of Bengal, except a few self-seekers, are with you."

### LABOUR FEDERATION'S SUPPORT

Mr. M.A. Khan, President of the Central Labour Federation, sent the following telegram to Maulana Shaukat Ali : "Your peace move welcomed by Labour."

### CENTRAL MAHOMEDAN ASSOCIATION'S RESOLUTION

At a meeting of the Committee of the Central National Mahomedan Association, held at Calcutta on the 9th. October, the following resolution was unanimously adopted :

"The Central National Mahomedan Association strongly disapproves of the efforts that are being made by Pandit Madan Mohan Malaviya, Maulana Shaukat Ali and others to secure a modification of the Communal Award by substituting some form of joint-electorate, which in the present condition is utterly unacceptable to the Muslims, as repeatedly and clearly expressed by Muslims in India and England, and which is calculated to deprive Moslems of the fruits of their labours at the Round Table Conference.

"This Association is convinced that the unwise steps, now being taken, will lead to trouble and retard the cause of further constitutional advance. Further, this Association believes that the best course to attain communal harmony is to abide by the Award. The Association, therefore, asks His Majesty's Government not to allow itself to be misled by the views of the few individuals meeting at Lucknow or elsewhere."

### CALCUTTA MUSLINS' STATEMENT

The following statement was issued over the signatures of Sir A. Suhrawardy, Mr. A. H. Ghuznavi and others :—

"We, the undersigned, view with resentment and anxiety and alarm the alleged negotiations of Maulana Shaukat Ali with some of his old Congress associates, who now style themselves Nationalist Muslims, as their efforts are apparently intended to disrupt Moslem solidarity in India. We are emphatically of the opinion that no useful purpose will be served by the proposed Conference at Lucknow as public opinion, duly reflective of Muslim views, has been repeatedly and clearly expressed in India and England. We urge His Majesty's Government not to allow itself to be misled by the decision of the proposed Conference, if it is not in conformity with the oft-repeated and clearly expressed Muslim public opinion in India and England."

### MADRAS MUSLIM CONFERENCE RESOLUTION

A meeting of the Working Committee of the Madras Muslim Conference was held on the 10th. October under the chairmanship of Nawab Khudrat Ahmed Sahab. The following resolution was passed unanimously :—

"The Working Committee of the Muslim Conference warmly welcomes the efforts of Maulana Shaukat Ali to bring a communal settlement and records its considered opinion that no solution will be acceptable to it unless it satisfied all other demands of the Muslim community. The Committee also hopes that the Government will be pleased to extend all possible facilities to him."

### MADRAS PRESIDENCY MUSLIM CONFERENCE

The Conference passed the following resolution at a meeting held on the 10th. October :—

"This Conference makes it imperative that it shall be the foremost and primary duty of its representatives to apprise Maulana Shaukat Ali Sahib and the Lucknow Conference that this Conference will not accept any agreement between the Muslims and other communities which does not solve the question of Muslim demands in a

manner acceptable to the Muslim community in general and Muslims of Madras Presidency in particular.

"This Conference further lays down for the guidance of its representatives, that in case they should find the Lucknow Conference determined to tackle the question of electorate before insisting in the conceding of Muslim demands by the majority community as a condition precedent to the consideration of the electorate question, they shall instantly cease their co-operation with the Conference and avail themselves of such means as may be open to them to announce publicly their course of action."

### MUSLIM NATIONALISTS' STATEMENT

The Working Committee of the Nationalist Muslim Party, held a meeting Lucknow on the 14th. October. Mr. Chaudhury Khaliquzzaman issued the following statement to the Press on behalf of the party :—

"There is complete unanimity in the Nationalist group for a settlement both with the Moslem leaders and with the Hindus, and they are anxious to utilise this opportunity of meeting the Moslem leaders. They have full faith in the spirit of co-operation shown by Maulana Shaukat Ali, Nawab Mahomed Ismail Khan, the Raja of Salempur and other leaders who are attending the All-Parties' Conference to-morrow. They do not attach much importance to the Simla manifesto and consider that the opposition was due to some misunderstanding, which will disappear when the facts leading up to the Conference are fully known.

"The Moslem Nationalists are determined to make the Lucknow Conference a real success. Their hands have been very much strengthened by the telegram received from Pandit Madan Mohan Malaviya wishing the Conference success and asking for the appointment of a committee to discuss the communal question with the Hindu leaders at an early date. I have received telegrams both from Hindu and Moslem leaders welcoming the move for a settlement. The situation on the whole is very hopeful."

### BOMBAY WOMEN'S MANIFESTO

An important appeal, to both Hindu and Muslim leaders over the signatures of over a hundred women, was issued from Bombay on the 14th. October, urging upon the leaders to give up mutual recrimination and distrust, and appealing to them to make a supreme effort for the solution of the problem. The signatories to the appeal reminded the leaders that the women of India have been neglected and oppressed for ages. In spite of such neglect and oppression they had disdained from bargaining. Although they are the biggest minority in India they had not asked for special treatment. They therefore urged their brothers to copy their example. Referring to the Muslim demands, the women stated that there was much in them which could easily and safely be conceded by the majority community. When once the necessity for special treatment to a minority community is conceded, the signatories saw no reason why the community's demand for an assured proportion of the seats in the legislatures should not be agreed to, though such a demand may be higher than the voting strength of the minority. Dealing with the question of Bengal and the Punjab the signatories said that they saw no reason why the fundamental law of the new constitution should not recognise the Muslim majorities in the two provinces for a period. They also thought that the claim for weightage in other provinces under the circumstances is not unreasonable. They therefore thought that the grant of such demands was not too heavy a price for peace and goodwill among the people of India. The signatories earnestly appealed to their brothers at Lucknow to approach the problem in a spirit of mutual good-will, and assure them of their full support.

### MADRAS MUSLIMS' VIEWS

An extraordinary general body meeting of the Madras Presidency Muslim League held on the 14th. October passed the following resolution :—

"Whereas persistent efforts at a uniform method of electorate during the last ten years or thereabouts have failed to make the Indian Mussalmans see eye to eye with the Hindus ; whereas by reason of such inability to arrive at a mutual settlement His Majesty's Government was forced to impose its award on the various communities ; and whereas no new circumstances has since arisen in respect of the Muslims ; this meeting resolves that it do enter its emphatic protest against any negotiations

in this stage and that it do express its apprehensions that far from achieving the end in view, the present attempts at a settlement will only tend to disrupt the Muslim solidarity."

#### KHILAFAT PRESIDENT'S STATEMENT

Shaikh Abdul Majid, President of the Khilafat Conference, in the course of a statement issued to the press from Bombay on the 14th. October, while admitting that Sir Muhammad Iqbal, Sir Mahomed Yakub and some others had expressed their unwillingness to join the proposed Lucknow Conference, stated that the Muslim League branches in Bombay, Madras, Bengal and Assam had given their support thereto and that the Raja of Salempur and Mr. Shaukat Ali, vice-president of the All-India Muslim Conference, of which Sir Mahomed Iqbal was the president, were the greatest supporters of the proposed conference. Mr. Majid pointed out that several other Muslim bodies, namely, the All-India Khilafat Conference, the Jamiat-ul-Ulema-i-Hind, the Muslim Nationalist party and the All-India Shia Conference had also enthusiastically welcomed the conference, from which facts it was clear that the conference was expected to be representative of the various shades of political opinion among the Muslims of India. Referring to Sir Mahomed Iqbal's desire to attend a Hindu-Muslim conference provided the invitation came from the Hindus, Mr. Majid said that this proposal was premature and added that they were all anxious for a settlement with the Hindus, but unless there was some settlement among the Mussalmans themselves such proposals must wait. For this reason, namely, reaching some sort of settlement among Muslims themselves, the Lucknow Conference had been convened.

In conclusion, he assured all Muslims that the workers of the Khilafat Conference would not do anything which would not be ratified by the Muslim public in every part of India. "We would have postponed the conference as desired by some of our friends and colleagues, but we had been receiving telegrams and letters from all parts of India urging us to make a supreme effort for restoring solidarity in the Muslim community. We are going to Lucknow in the hope and belief that Muslim public opinion earnestly desires a compromise between the various political parties. If we succeed we will not only restore unity and peace to a distracted community but will also endeavour for a modification of the communal award in the light of the Muslim demands. If we fail we shall at least feel that we have done our duty."

#### JAMIAT-UL-ULEMA WORKING COMMITTEE

A meeting of the working committee of the All-India Jamiat-ul-Ulema held at Lucknow on the 15th. October adopted a resolution welcoming the Lucknow Conference advocating joint electorates with reservation of seats.

#### ASSAM MUSLIM ASSOCIATION'S TELEGRAM

The Assam Muslim Association, representing as it claimed the entire Muslim community of Assam proper, on the 14th. October sent a telegram to Dr. Syed Mahmud whole-heartedly supporting the Lucknow Conference and agreeing to electorate changes.

#### CHITTAGONG MUSLIMS' SUPPORT

Several prominent Muslims of Chittagong, including the secretary of the Jamiat-ul-Ulema, the president of the District Proja Samity and the vice-president of the Muslim League wired to the Press as follows :—

"Strongly condemn reactionaries for creating disunion amongst Muslims. Hearty sympathy with conference. Wish success. We have full confidence in Maulana Azad and Nationalist Muslim Party. Opposition of Mr. Ghuznavi and Sir Suhrawardy and company carry no weight with Muslim masses."

#### MR. N. K. BASU'S "OPEN LETTER" TO PT. MALAVIYA

Mr. N. K. Basu, M. L. C. in the course of an open letter to Pandit Madan Mohan Malaviya, dated the 13th. October said :

"I see from the papers that you are promoting still another pact, one between the Hindus and the Mohammedans. No Indian can have anything but admiration for such an attempt. My only excuse for writing this is that I am afraid that like



similar other previous settlements, this one may also be arrived at without any consideration of the circumstances in Bengal. Non-Bengalees are apt to forget the contributions, moral and material, that Bengal has been making for the benefit of All India for over a century. They arrive at agreements without any consultation with Bengal, and rely upon political hysteria to force them down her throat. Bengalee Hindus have demonstrated that they are still willing to undergo privations and sacrifices for the sake of Indian Nationalism, but I am venturing to bring to your mind that it would be a blunder to ignore them altogether, and decide upon their political extinction behind their backs."

### KARACHI MUSLIMS' MESSAGES

The president of the Jamiat-ul-Ulema of Karachi, Mirza Shah, president of the local board, Mr. Ghulamali Chagla, ex-president of the Karachi municipality, Mr. Hatim Alavi, ex-vice-president of the Karachi municipality, and a number of prominent Moslems of Karachi sent a message to Maulana Shaukat Ali, Sheikh Abdul Majid and Maulana Abul Kalam Azad wishing success in their mission and adding that the best interests of the Moslem community and the country should not be sacrificed for separate electorates.

### THE ALL-PARTIES MUSLIM CONFERENCE

Amidst scenes of great enthusiasm, the All-Parties Moslem Conference held at Lucknow on the 16th October unanimously passed a resolution embodying complete agreement among the different sections of the community.

The resolutions were drafted by a committee of about twenty including Maulana Shaukat Ali, Maulana Abul Kalam Azad, Nawab Ismail Khan, Dr. Ziauddin Ahmed, Mr. Asaf Ali and Dr. Syed Mahmud.

A Committee was appointed, with Maulana Shaukat Ali, Maulana Abul Kalam Azad, Nawab Mahomed Ismail, Raja Nawab Ali Khan, the Raja of Salempur, Sheikh Abdul Majid Sondhi, Sirdar Suleiman Kasim Mitha, Mian Jafar Shah, Maulana Zafar Ali Khan, Chaudhuri Khaliquzzaman, Syed Abdul Aziz, Dr. Ziauddin Ahmed, Mr. Shah Masood Ahmad Khan, Hafiz Hidayat Hussain, Maulana Akram Khan, Seth Yakub Hassan, Nawabzada Yusuf Ali and others to negotiate with the Hindus and others.

The discussion at the Conference centred round Mr. Jinnah's 14 points in the main and emphasis was laid upon the fact that Provincial Responsibility should be the first to come. On the question of weightage the general trend of opinion was that it should be at least as much as that contained in the Premier's Award. The Mahomed Ali formula generally found favour, but the Committee appointed to negotiate with the leaders of the other communities was given wide scope in this respect provided the weightage given in the Award was maintained.

#### Text of Resolutions

The following is the text of the resolutions passed by the Conference:—

"Whereas agreement and unanimity among the Indian Moslems of different shades of opinion is a condition precedent to the realisation of the legitimate aspirations of the Mussalmans of India and an agreement between the various communities of India is essential to the attainment of Responsible Government; and

"Whereas the Muslim Conference has reached complete unanimity as embodied in the resolution of the All-Parties Conference in Delhi on January 1, 1929 and as amplified by the resolution of the Jamiat-ul-Ulema held in Shaharanpur in 1931 on items other than the question of separate electorates, this Conference declares that, subject to the definite acceptance of the Moslem demands, the method of election in the Provincial and Central Legislature be made the subject of negotiations with other communities, preferably on the basis of the principles contained in Maulana Mahomed Ali's formula or otherwise on any other satisfactory basis, subject to ratification by a representative Conference of Mussalmans.

"This Conference welcomes the suggestion of Pandit Madan Mohan Malaviya for the appointment of a committee of this Conference to meet representatives of Hindus and Sikhs. While assuring him and all other Indian patriots that the Mussalmans are second to none in their anxiety to serve the best interests of the country, it hereby appoints a Committee to negotiate an agreed solution of the Communal problem, within the terms of the resolutions of the Conference relating to Moslem demands and as amplified by the Jamiat-ul-Ulema Hind and the Shia Conference."

### Joint Statement By Leaders

Manilana Shaukat Ali with Sheikh Abdul Majeed Sindhi, Sayed Abdul Aziz and Manilana Abdul Hannan, President of the Ahrars, had prolonged conversations with Pandit Malaviya at New Delhi on the 20th. October. At the conclusion of the conversations, the following joint statement was issued :—

"We have discussed the situation, and have decided to hold a meeting of the Hindu and Sikh representatives at Allahabad, beginning on the 30th October, to confer with the Committee appointed by the Lucknow Moslem Conference to explore all avenues of an amicable settlement between the communities. An All-Parties Conference including the representatives of Christians, Parsees, Anglo-Indians and Europeans and others will then be convened for a final settlement."

### FRONTIER LEADERS' STATEMENT

The following joint statement was issued to the Press by the President of the Frontier Khilafat Committee and the General Secretary of the Afghan Jirga on the 21st. October :—

"We hope that the peace move initiated recently will be appreciated by all sections of the people including the Government. There is no doubt that a halt has to be called sooner or later to the existing state of affairs, under which everyone is feeling uneasy. Will it therefore be out of place if the Government of India take advantage of the present opportunity and help in restoring peaceful conditions by facilitating the way towards a communal understanding? As has already been announced, Hindu, Muslim and Sikh representatives are going to meet at Allahabad on the 30th instant to evolve a National Pact that may be acceptable to all. It is obvious enough that the task before the Allahabad Conference, it is essential that some one should act as mediator between the negotiating parties. We would therefore appeal to the Government of India to release both Gandhiji and Khan Abdul Ghaffar Khan so that they may bring about an honourable understanding, which will make easy a greater understanding, that is, between India and England."

### HINDU MAHASABHA'S STATEMENT

Dr. B. S. Moonje issued the following statement to the press on the 22nd. October :—

"I have carefully read the resolution adopted at the All-Parties' Conference of Moslems held at Lucknow on the 15th and 16th October. I have also read the statement thereon of Moslem leaders. I have also had the benefit of a talk with Pandit Malaviya on the subject. The Hindu Maha Sabha is now in a position to state as follows :

(1) That it heartily welcomes the attempt of the Moslem leaders to come to a compromise on the communal problem and it assures them of its sincere co-operation if the compromise be based on joint electorates and is on reasonable and national lines.

(2) That it is sanguine and strongly believes that it is possible to evolve a suitable formula of compromise acceptable to all the communities, such as joint electorates with or without weightage, if there be an earnest and honest desire for a real compromise as follows :

(a) That there should be no reservation of seats for any majority community in any province, with the object or result of securing a majority by statute to the majority community.

(b) That no minority community in any province should have its representation fixed below its proportion in the population of the province.

(c) That if as a matter of compromise the system of weightage in the representation of the minority communities in the provinces be acceptable, weightage should be fixed on a principle which should be equally and uniformly applicable to all the minorities, and there should be no discrimination in the matter in favour of one minority in one province as against another minority in another province similarly situated.

(3) That as regards the question of the separation of Sind, it holds with Sir Shah Nawaz Khan Bhutto and others that it should be included as an item in the settlement of the communal problem. It is of opinion and hopes that Moslem leaders will also agree with it that the following factors should be borne in mind :—

(a) That both the Nehru Report and the Sind Agreement at the All-Parties Conference at Lucknow, signed by Moslem leaders like Maulana Shaikat Ali and Shrik Abdul Majid made the separation of Sind conditional on Sind being in a position to meet its deficit out of its own resources.

(b) That the acceptance of the principle of separation by the Round Table Conference was with the full agreement of Moslem leaders like Mr. Jinnah, the Aga Khan, Sir Shah Nawaz Bhutto and others subject to the condition prescribed by the ruling of the President of the Sind Sub-Committee of the Round Table Conference that "If Sind cannot show that it can stand successfully on its own legs, separation does not take place."

(c) That it has been proved beyond doubt by the expert committee of the Government that Sind, if separated, will be a province with a heavy deficit and will have no financial means to carry on its administration at least as efficiently as at present.

Besides, I am not without hope that Moslems will not fail to appreciate the just contention of Sind Hindus that the decision of the R. T. C. of accepting the principle of separation was *ex parte*."

### BENGAL HINDU SABHA'S STATEMENT

Messrs. Hirendra Nath Dutta, president, Ramanand Chatterjee, vice-president, and S. K. Roy Choudhury and Padamraj Jain, secretaries, issued the following statement from Calcutta, dated the 23rd. October :-

"In view of the resolutions adopted at the All Parties Conference of the Muslims, held at Lucknow on the 15th and 16th inst. which amount to saying that if the Hindus and the Sikhs were to concede thirteen points of Mr. Jinnah, the Moslems will be prepared to consider some modification of the fourteenth point, e. g., whether some mixed system of joint and separate electorates would not be acceptable to the Muslims. In order to leave no doubt about the attitude of the Hindu nationalists in the matter, we state as follows :-

1. That we welcome the attempt of the Muslim leaders to come to a compromise on the communal problem, and we assure them of our sincere co-operation if it is based on reasonable and national lines on the principle of give and take.

2. That, if any scheme of compromise is based, whether on joint or separate electorates, on the principle of reservation of seats for any majority community in any province with the object or result of securing majority by statute to the majority community, it will not be acceptable to the Hindus of Bengal.

3. That in any scheme of compromise no minority community in any province should have its representation fixed below its proportion in the population of the province.

4. That if, as a matter of compromise, a system of weightage in representation to minority communities in provinces be acceptable to the majority and minority communities, the weightage should be fixed on a principle which should be equally and uniformly applicable to all minorities and there should be no discrimination in the matter in favour of one minority in one province as against another minority in another province similarly situated.

5. That as regards the question of separation of Sind we are emphatically opposed to its inclusion as an item in the communal problem, particularly in view of the fact that Sind if separated will be a deficit province that will have no financial means to carry on its administration at least as efficiently as at present. We hold that the question should be left to be settled by a boundaries commission as a part of the general problem of redistribution of provinces."

### MUSLIM LEAGUE COUNCIL'S RESOLUTION

The Council of the Muslim League held at New Delhi on the 23rd. October, passed the following resolution :

"While appreciating the efforts by whomsoever made to bring about good understanding among the different communities of India, the League reserves its judgment on all such negotiations unless and until it becomes apprised of the results. The Council of the Muslim League having fully considered the present political situation is strongly of opinion that the position secured by the Muslim community as a result of the decision of His Majesty's Government on the communal question should not be brought into the orbit of controversy until any alternative scheme or proposal suggested as a substitute for the communal decision, materially and substan-

tially improves the position of the Muslims and makes their influence effective on the election of the communities concerned.

"While strongly insisting on the principle of separate electorates this meeting reserves judgment on the further negotiations unless and until definite proposals are made by the accredited agencies of the majority community."

## UNITY CONFERENCE PRELIMINARIES

The preliminary consultations between the Hindu and Sikh representatives invited to the Unity Conference opened at Allahabad on the 1st. November 1932 at about 5 p. m. at the residence of Dr Kailash Nath Katju. Among those who attended the meeting were the following :—

*United Provinces:* Pandit Madan Mohan Malaviya, Mr. C. Y. Chintamani, Pandit Hriday Nath Kuzru, Dr. Rishi Kuntal Mukherji, Dr. K. N. Kuzru and Pandit Govind Malaviya (secretary).

*The Punjab:* Raja Narendra Nath, Bakshi Sobhan Lal, Mr. Shamlal.

*Sikh:* Sardar Sir Sandar Singh Majithia, Sardar Ujjal Singh and Sardar Jodh Singh.

*Delhi:* Mr. Ganapat Rai.

*Central Provinces:* Dr. Moonje, Mr. M. S. Aney and Mr. Dwarka Prasad Misra.

*Bengal:* Messrs. J. N. Basu, N. K. Basu, Padamraj Jain, B. C. Chatterji, Sanat Kumar Bsi Chaudhary, Akhil Chandra Dutta, Bhagirath Chandra Das, Kiron Sankar Roy, Ramanand Chatterji, Jogesh Chandra Das Gupta, Ravik Lal Biswas, J. C. Gupta, *Bengal Sikhs:* Baba Gurdit Singh, Sardar Raghubir Singh, Sardar Niranjan Singh Talibe and Mr. Bhaizada.

*Bombay:* Mr. Walchand Hirachand.

*Sindh:* Mr. Lulchand Navalrai, Mukhi Govind Ram and Mr. Dayal Mal.

*Madras:* Mr. C. Vijayaraghavachariar.

The meeting was held in the central hall inside Dr. Katju's bungalow, and sitting arrangement was made in the Indian style on the floor. Mr. C. Vijayaraghavachariar, the oldest leader present, was requested to guide the deliberations as president. The books and papers, which Pandit Gobind Malaviya, secretary to the conference, brought to the conference included reports of the proceedings of the previous sessions of the Round Table Conference, the 14 points of Mr. Jinnah, the 17 points of the Sikhs and a copy of the Communal Award. The proceedings of the meeting were held within closed doors and only those invited to the conference were admitted.

The representatives of different provinces explained the view-points of their group with regard to the general attitude towards separate electorate. Both the Punjab and Bengal representatives explained their attitude fully. The attitude of the Mahomedans, who made a move of joint electorate, was generally appreciated.

## The Inaugural Meeting of the Unity Conference

### OPENING DAY—ALLAHABAD, 3rd. NOVEMBER 1932

The first session of the Unity Conference opened at Allahabad on the 3rd. November at about 3 p.m. in the Mayo Hall and adjourned after appointing a committee of over 20 representatives of Hindus, Moslems and Sikhs to consider proposals for bringing about an agreement between the various communities and to report to the Conference.

The Conference was attended by about 70 Hindu and Sikh representatives and about 40 Muslims. The Christian community was represented by Mr. B. L. Ballia Ram, Professor A. Soares, Dr. D'Souza and Mr. S. P. Andrews Dube.

The Conference was open to the press and a large number of visitors were also admitted. Though despite their resentment women's representatives were not invited

to participate in the peace negotiations, a number of women were seen to-day in the Conference in the visitor's gallery.

An appeal issued by *Mrs. Kamala Nehru* for unity was broadcast to-day among the delegates. The leaflet containing the appeal also expressed surprise at women not being invited to participate in the Conference and a reference to this appeal of *Mrs. Nehru* was also made in the course of his speech by *Maulana Zafar Ali* at the Conference.

*Pandit Madan Mohan Malaviya* stated the reason for the exclusion of women. He regretted, he said, that women were not invited to take part in the Conference. The idea was that the Conference should be confined to the representatives of Hindus, Sikhs and Muslims in the first instance and there should be another Conference afterwards to which women's representatives, Anglo-Indians and Christians and even Europeans should be invited. Later on, it was suggested that women should be invited to the present Conference, but the suggestion came too late. *Pandit Malaviya* said that he was sorry that some 'sisters' had taken offence at their exclusion. The only object in not inviting them was to avoid the number of representatives becoming very large. On the same ground the Christians were not originally invited but invitations were extended to Christian representatives later, on their expressing a desire to participate in the Conference.

*Maulana Shankar Ali* proposing *Mr. Vijayaraghavachariar*, who had also presided at the Hindu and Sikh preliminary meetings to take the chair, said that they wanted to have *Mahatma Gandhi* but unfortunately it was not possible to have him; their efforts to secure his presence having failed. But he added even his absence would do miracles. He proposed that *Mr. Vijayaraghavachariar* should preside as in him he said they had got a man who should occupy the chair in *Mahatma Gandhi's* absence.

The proposal having been seconded by *Pandit Malaviya*, *Mr. Vijayaraghavachariar* took the chair amid applause.

#### PRESIDENT'S OPENING SPEECH

Opening the proceedings of the conference, *Mr. Vijayaraghavachariar* said that the occasion was not only important but very embarrassing. He thought it was their duty to see if they could facilitate decisions in any way which would have to be reached. 'I shall call your attention,' he proceeded, 'to the fact that we have met here by reason chiefly of the award, called the Premier's award. That is the chief cause. I may also add that the occasional cause is the Poona pact, which is now a great event in the history of India.'

'Always remember that we are here to wait and see what is the compromise which we can arrive at and make the situation created by this award less dissatisfactory or more satisfactory. It is the universal opinion in England that this award might have been more satisfactory, but it is not. So I need hardly call your attention why that award is dissatisfactory. It has done justice to a few and injustice to many and we are to see how far by our own efforts we can adjust and make it much less unsatisfactory than it is.'

Proceeding, the president said that the question was that three people, the Hindus—including, he took it, Christians and others—Muslims and Sikhs, were called upon to put their heads together to see how far the injustice done to them by the award could be modified. It could not be set aside in his humble opinion. Therefore, they were not to think of constitution as it ought to be. From all that he could see, in spite of the Round Table Conference and in spite of the efforts of many, true Dominion Status was far far away from them. Therefore, they were going to have a very peculiar constitution entirely falling short of a constitution which would establish real democracy in India, a constitution which, he believed, the Congress people would not accept.

Continuing he said that to make the principle and plans embodied in the award less objectionable depended upon themselves. They were, he said, called upon to make sacrifices. The Hindus, Muslims, Sikhs and Christians could make sacrifices by the principle of give and take and see that injustice apparent and not disguised was removed. Therefore, this we must achieve and if we fail it is altogether disastrous, declared the president.

They could not fail, he said, having regard to two important aspects. In the first place the compromise they were called upon to enter into was to last for ten years and at the end of ten years the arrangement that they would make would automatically cease to exist. Therefore they ought to make sacrifices more readily.

The next point was that out of the various items it was possible to concentrate their attention on two points. The first point was joint electorate.

The president asserted : 'If you ever wish to become a nation, integration of all people in India irrespective of caste, creed and colour must take place and joint electorate is the beginning of such integration, while separate electorates will keep us further than we are to-day. Therefore the most important thing is that we must urge agreement with joint electorates between Hindus, Muslims, Sikhs and Christians. I prayerfully hope that the Muslims should distinguish between essential portions of their demands and comparatively trivial portions. The Hindus, Sikhs and Christians should also dispel their fears.'

Proceeding, Mr. Vijayaragavachariar said, that he would ask Hindus, Muslims, Sikhs and Christians not to entertain the fear that because the Muslims would get a majority it would be Mahomedan rule. Similarly it was wrong to assume that a Hindu majority would mean rule by a Hindu government. The reason was that responsible government meant that the public opinion would be reflected in the legislature and the cabinet must reflect the majority of the legislature which reflected the majority of the country.

Concluding, the president suggested the formation of a committee consisting of a definite number of Muslims, Hindus, Sikhs and Christians to consider the questions before them and make recommendations to the conference. He then referred to the death of Sir Syed Ali Imam. If Sir Ali Imam were here to-day, he would have been of immense use by way of reconciling both the Hindus and Mahomedans.

At the suggestion made by the president, the audience then stood up for a minute and in deep silence prayed for the success of the conference.

#### MESSAGES OF GOOD WISHES

*Pandit Govind Malaviya*, one of the secretaries to the conference, next read out numerous messages received from people from different parts of the country wishing success to the conference. These included messages from Sir Sivaswami Iyer, Mr. Rajendra Prasad (who incidentally arrived at the conference from Delhi shortly after his message had been read), Mr. Ragaswami Iyengar, Mrs. Hansa Mehta, Begum Muhammad Alam, Dr. Ambedkar, Rai Rajeshwar Bili, the United Provinces Liberal Association, Diwan Bahadur Mani Dhar, Mr. Jayakar, Mr. G. D. Birla, and the R. V. B. A. Nag.

#### LATE SIR ALI IMAN

The conference next passed the following condolence resolution :—

"This conference of Hindus, Muslims, Sikhs and Christians assembled at Allahabad from all parts of India places on record its deep sense of loss at the death of Sir Ali Imam, a leader whose achievements for the progress of our common motherland and for the establishment of goodwill and co-operation among different communities were invaluable and will be gratefully remembered by all sections of his countrymen. This conference conveys its heartfelt sympathy to Lady Imam and members of the family of the deceased at the great loss sustained by them.

The conference also recorded the following resolution, put from the chair :—

"This conference records its deep regret at the refusal of His Excellency the Viceroy to accede to the request of Maulana Shaukat Ali for facilities for obtaining the invaluable assistance and advice of Mahatma Gandhi in arriving at an agreed solution in regard to the communal problem."

At this stage the conference was adjourned for about 15 minutes at the request of a member, owing to Muslims' prayer time.

#### PUNDIT MALAVIYA'S APPEAL

On the conference reassembling, *Pandit Madan Mohan Malaviya* made a stirring appeal to the communities to come to a settlement so as to save the country from the shame and sorrow to which it was exposed due to differences among themselves.

'I think it is the sense of all,' said Pandit Malaviya, 'when I say that we are thankful to God for putting the idea into us to meet together to consider what we should do in the existing circumstances of the country. We have had many years of differences and strife. We have passed through experiences, which I need not relate to you, which have proved to us the helplessness of the situation in which the country finds itself and the need for action to bring about peace. I need not go into the history of this period.'

'I would say that our failure to come to an agreement was a matter which filled us with shame and sorrow and we were exposed to the criticism of the civilized world and the country has paid dearly for it. I cannot think that the country could pass through a worse period of suffering, sorrow and shame than it passed during the last ten months. Proceeding, Pandit Malaviya said that the fact that the British Government had to give a decision regarding the communal question would be a matter of reproach for all Indians.

'If we allow this decision to stand,' he said, 'and do not come to an agreement, you have separate electorates but you have not the power either in the provinces or in the centre. You will not have power to touch the army. You will not have power over the finances. You will not be able to build up national activities in the different directions. You will continue to be in the unfortunate and deplorable position in which you are. If you let the decision of Mr. Ramsay MacDonald's Government stand as it is, the prospect before us is that we will continue to be divided.' On the other hand, continuing Pandit Malaviya said, if God granted the various Indian communities the wisdom to arrive at a conclusion which would unite them, which would enable them to approach questions of national welfare from the national point of view and establish unity, the result would be that by their united endeavours they would compel the Government with its Conservative majority to part with powers at least to the extent promised in the declaration of the Prime Minister and repeated twice at the Round Table Conference.

Pandit Malaviya, proceeding, said that he said 'at least' because he did not feel that it was enough. In justice to India more should be given; full responsible government should be established in the country with certain reservations for the period of transition. But they could not refuse to move towards central responsibility that was promised in the pronouncement of the Prime Minister. But, he added, that was only possible if people in India were united. If they were united they would get power in provinces and at the centre and power to build up national activities. That was the position, said Pandit Malaviya. It was for them to consider whether the differences which had unfortunately divided them were such as they could not get over or that they could be composed.

He felt having studied the question very closely, that they could be composed and it should be possible to arrive at an agreement, and it was in that hope that he was working. Pandit Malaviya emphasised that the matters of differences could not be settled by votes but by weighing and considering the *pros* and *cons* by a few men sitting together and acting as Indians, deputed by the various communities and enjoying their confidence, and possessing the strength of their backing. Sitting down together they would consider what it was that would give them a national form of government in which the Assembly would be the future Parliament of India and in which the Hindus, Muslims, Christians and others would sit together as members of a free assembly without any restraint, without any restriction to consider what was good for all peoples of India whose destinies would be entrusted to them.

'Do you not long for that opportunity?' asked Pandit Malaviya. How long shall we be kept deprived of that privilege, that honour which is India's birthright? That is the problem. I feel deep grief over the situation. When the best of our countrymen are thrown into jails by orders which wrongly bear the name of law, when our commercial and other interests are sacrificed day by day before our eyes, when the growth of institutions which make for nation-building is hampered, is it not desirable to sink our differences and try to adjust them in a truly national spirit?' Concluding, the Pandit said that for all communities they had to provide an assurance of protection of their rights. They had to make sure that the Indian constitution of the future was built up by the descendants of Hindus, Muslims and Christians and other communities. That constitution would create harmony and would challenge comparison with any other constitution in the world.

Pandit Malaviya expressed that they should sit down with one earnest and honest desire to do the right thing and think of the good and welfare of all fellow-men who could claim that great land as their motherland.

Maulana Shaukat Ali, in the course of a short speech, referred briefly to the circumstances which led to the present peace conference and said that it appeared to him that the hand of God was in this move. The conference held at Lucknow was a success and he hoped, with God's assistance, to make the present conference also a success. The future of the people, he said, was in their own hands. He wanted peace which would include everybody. Proceeding, he made an appeal to make a real effort towards peace and to create goodwill among communities. He assured the

representatives assembled that there was no question of tactics in the discussions. Concluding he prayed to God to give them wisdom to arrive at a resolution.

*Maulana Zafar Ali*, appealing for unity, said that if they sank their differences just for five minutes India would be free. Hindus and Muslims were bound to unite eventually and he did not understand why they should not unite to-day. The Conference was being held at Allahabad which was the junction of three rivers. Then there was water of his two eyes. 'Let the combined waters of these five rivers carry away Ramsay MacDonald's award.'

*Mr. J. N. Basu* appealed to the representatives to approach the question which they would discuss, keeping in mind the fact that they could not afford to be divided. If the question was approached in that spirit, he was confident of success.

The *Maharajadhiraja of Darbhanga* said: 'It is indeed a historic occasion for it marks a stage when Indians of different shades of opinion realising the gravity of the situation have come together to formulate a plan which would produce a satisfactory and honourable settlement of our communal differences and give a fitting reply to the humiliation to which the country was put by referring our domestic affairs to an outside authority for arbitration. The only thing I would implore you all is to look at each other's point of view sympathetically and with a feeling of give and take, settle our communal differences and show to the world that we are no longer indulging in domestic frictions and are prepared for the coming constitutional reforms.'

*Dr. D' Souza*, on behalf of the Indian Christian community, joined the representatives of other communities in the country. Peace, he said, had always been the message of Christ to the world and he felt that if there was goodwill among the members of different communities there would be no difficulty in arriving at a settlement.

#### UNITY COMMITTEE APPOINTED

*Pandit Madan Mohan Malaviya* next moved a resolution appointing a committee to consider proposals for bringing about an agreement between the various communities and the conference was adjourned after it had passed the resolution.

Among those appointed to serve on the Committee were the *Maharajadhiraja of Darbhanga*, Messrs. J. N. Basu, Ramanand Chatterjee, Abul Kalam Azad, Shaikat Ali, M. Zafar Ali, the Raja of Salempur, Sirdar Sunder Singh, Sirdar Ujjal Singh, Mr. C. Rajagopalachariar, Pandit Malaviya, Dr. De Souza and others.

#### UNITY COMMITTEE PROCEEDINGS

The Committee of the Unity Conference commenced its work at Allahabad on the 3rd. November and concluded its discussions on the 17th. November after which it adjourned. It held 23 sittings including in all 136 hours of deliberations. Pandit Govind Malaviya and Dr. Mahmudulla, General Secretaries to the Conference, issued the following statement to the Press:—"121 representatives attended it—63 of them being Hindus, 39 Moslems, 11 Sikhs and 8 Indian Christians. These included the members representing the Hindu Maha Sabha, the Rashtriya Hindu Sabha, Punjab; the Indian National Congress, Liberals and Nationalists, Trade and Commerce, Landholders, Sind Hindus, the All-India Khilafat Committee, the All-India Moslem Conference, the All-India Moslem Nationalist Party, the All-India Moslem League, the Moslem Youth League, the Jamiat-ul-Ulema-Hind, the Punjab Ahrar Party, the All-India Shia Conference, the Sikhs, including those outside the Punjab, and Indian Christians. The resolutions adopted by the Committee were the result of prolonged deliberations and the agreement between the representatives of the organisations named above. Every resolution was agreed to when the representatives of the parties concerned felt satisfied that the interests which they represented had been adequately safeguarded. They promised, before they left Allahabad, to place the agreed conclusions before their respective organisations, and to represent their considered opinions at the next meeting of the Conference. The following is a collection of the Delegates' impressions at the Committee as given out by the "Leader" of Allahabad:—

"The chief goal before the Hindu leaders, who participated in the negotiations, was joint electorate but the price paid in the shape of the Hindus agreeing, among other matters, to statutory majority to Muslims in the Punjab and Bengal, conceding 32 per cent. representation to them in the central legislature and accepting the pe-



ciple of separation of Sind, was too exorbitant for the kind of joint electorate secured, according to some Hindus.

Whatever the merits of the settlement, it is true—according to some delegates' impressions—that Hindu interests were matters of only secondary importance and generally, whenever any problem presented a deadlock the Hindus were made to yield in the 'large interests of unity.'

In fact, when the Sikhs' insistence on 5 per cent. representatives in the central legislature presented a deadlock, Dr. Moonje replying to a press representative's inquiry remarked that the deadlock was bound to be overcome for if they did not agree to a lesser offer 'we shall yield.'

The Congress group which consisted, among others, of Mr. Rajagopalachariar, Mr. Rajendra Prasad, Pandit Govind Ballabh Pant and Mr. Devidas Gandhi, took a leading part in the negotiations but their attitude was a handicap, according to several delegates' estimate, to the Hindus for the Congress leaders, to use the words of a delegate, notwithstanding objection by other Hindus, either readily agreed to Muslim proposals, in the event of a controversy, or came forward at once with the maximum offer without any haggling and thus 'broke the backbone of the opposition and made the extreme Hindu section helpless.'

Such pro-Muslim attitude of the Congress Hindus was obviously the result of their fervent desire to achieve unity at any cost and they, therefore, had also to make repeated appeals to the Hindus to make 'supreme sacrifices' whenever any problem presented a dead-lock.

Pandit Madan Mohan Malaviya, a strong Hindu all his life, (was, it is said, a different man at the Unity Committee meetings. He was bent upon effecting a settlement and when his efforts at persuading the Muslims or Sikhs to tone down their particular demand failed he even 'coerced' the Hindus by persuasion and silver tongued oratory to yield and the orthodox Hindus had to submit to the wishes or the bidding of the grand old man.

It was the feeling of several delegates that the settlement would have been effected long before and on better terms had there been some one among the Muslims also to make as much effort to press the communalist Muslims to modify their demands as did Pandit Malaviya with the Hindus.

Among the Muslim delegates, on the other hand, there was a remarkable solidarity and whether Nationalists or communalists, all the Muslim delegates on almost all occasions came forward with unanimous proposals and were firm in pressing their demands.

When the Nationalist Muslims committed themselves at the Lucknow Conference to Mr. Jinnah's 13 points or to the Muslim demands formulated by the All-India Muslim Conference, an apprehension was entertained in some non-Muslim circles that one result of the unity talks was to lose the Nationalist Muslims even. In fact such definite effect of the Lucknow Conference was felt at the Unity Committee's meetings by a Hindu Congressman when strong opposition to his suggestion in connection with a proposal, came from a leading Nationalist Muslim, for so far as the former's memory went he was never before opposed by that Muslim leader. Such was the confession made by this Hindu Congressman to his friends in the course of private talks one evening after a meeting.

Anxiety was, however, evident even among the Muslim delegates that the negotiations should not break on their account and, therefore, whenever there was a deadlock they did their best to see if they could modify their demands, but they were always faced with the difficulty that they had a certain mandate of the Lucknow conference.

While the opinion among some Hindus is that they had to yield on every point the Muslim delegates held that they had to make tremendous sacrifices. In the larger interest of unity, they sacrificed 1½ per cent. representation in the central legislature by accepting only 32 per cent. and conceded 'exorbitant' safeguards to minorities in the Punjab and Sind. Another instance of Muslim sacrifice was of their foregoing 1 per cent. representation in the Punjab Provincial legislature as under the award they were bound to get 52 per cent. while under the Allahabad settlement they got only 51 per cent. majority, though statutory. A Muslim speaking to a pressman contended that while the Unity Committee agreed to nearly all the propositions of the Muslims in principle, its decisions would fall short of Muslim demands in respect of details, while another Muslim delegate remarked that the Muslims having gained substantially under the Premier's award the mere fact that they accepted proposals modifying the award was a great sacrifice.

Next in solidarity came the Sikhs and although they had also among them a nationalist, Sardar Gopal Singh Qumi, to persuade them to modify their demands, they generally persisted in the decisions that they once took among themselves about a particular proposition. Gyani Sar Singh, acted chiefly as the Sikhs' spokesman, and, according to some delegates' impression, he was ever ready with a store of demands in the shape of safeguards, which made the Muslims often feel that if the Muslims carried with them a mandate from the Lucknow Conference, the Sikhs had with them the mandate of the Khalsa Darbar. The reason why they wanted 5 per cent. representation in the central legislature was that, having conceded majority to the Muslims in the Punjab and because the Sikhs were spread all over the country, they were anxious to have a 'solid block' in the central legislature. And as the Hindus were noticed yielding to the Muslim demands, Dr. Moonje, representative of the orthodox Hindu section, eventually decided not to offer opposition, as far as possible, to the Sikhs' claims.

Mutual distrust was chiefly the cause of dilatory proceedings, for if any community succeeded in gaining a point the other community came forward with a list of safeguards. There was, also, it is said, a feeling in certain minds that the Muslims being the favoured of the British Government there was the danger of the points conceded by Hindus in favour of the Muslims being accepted by the Government, while the safeguards conceded by the Muslims to the Hindus being held to be 'unworkable', and such an apprehension made some of the Hindu delegates proceed with great caution.

Of the few questions that have been left over for the consideration of the Unity Committee, one relates to the Jamiat-ul-Ulema representatives' demand for the establishment of Qazi's courts for the disposal of Muslim cases relating to marriage, divorce, etc., or in the alternative for recommending that such cases should be disposed of by a Muslim judge conversant with Islamic laws.

This suggestion was made when the committee had nearly concluded its proceedings and many members had left and Dewan Dayal Mul, president of Sind Hindu League raised a technical objection to its record. At an earlier stage of the proceedings the Jamiat-ul-Ulema delegates had made a proposal that personal laws of the Muslims should not be interfered with and that Islamic laws should prevail with regard to cases relating to marriage, divorce, guardianship, succession, inheritance and similar other matters. The committee then recorded a resolution under the heading protection of religion, culture and personal laws and, therefore, Dewan Dayal Mul argued that the committee having already considered the subject, the proposal made by the Jamiat-ul-Ulema delegates at the conclusion of the meeting could not be taken up again by the committee. Moreover, on merits too, according to Dewan Dayal Mul, the setting up of Qazi's or other separate courts for Muslim cases would involve many complicated questions and make administration impracticable. It was then suggested by some Muslims that the principle embodied in the proposals of Jamiat-ul-Ulema delegates might be accepted and a recommendation made for its acceptance to the legislature, but due to controversy, it had to be left over for consideration at the next meeting.

It may not be out of place to mention here the names of some of those representatives who took a leading part throughout the proceedings of the committee's meetings. Among the Hindus, besides Pandit Malaviya and Mr. Vijayraghava-chariar, are being mentioned the names of Mr. Rajagopalachariar, Pandit Govind Ballabh Pant, Mr. Rajendra Prasad, Dr. Moonje, Pandit Hriday Nath Kunzru, Pandit Govind Malaviya and Dewan Dayal Mul. Professor Chabiani was prominent on the Sind question. Among the Muslims were Maulana Abul Kalam Azad, Dr. Syed Mahmud, Sheikh Abdul Majid, Nawab Muhammad Ismail and Maulana Zafar Ali Khan; while among the Sikhs, Gyani Sher Singh and Sardar Kartar Singh took a prominent part in the discussions.

## CRITICISM AT DELHI MUSLIM MEETING

Soon after the Unity Committee's meetings were over, a joint meeting of the Working Committee of the All-India Muslim Conference and the Council of the Muslim League and the Jamiat-ul-Ulema, Calcutta, was held at Delhi on the 20th. November 1932 with Sir Abdullah Suhrawardy in the chair. Over fifty members attended including Mr. Mahomed Ibrahim Ali Khan, M. L. A., Mr. Tufail Ahmed Khan (Aligarh), Mr. Abdul Aziz (Peshawar),

Nawab Sir Zulfiqar Ali Khan, Nawab Naharsinghji Iswarsinghji, M. L. A., Mutfi Mahomed Sadiq, Mr. K. B. Rihimbux, Capt. Sher Mahomed Khan, M.L.A., Kunwar Ismail Ali Khan, M.L.A., Haji Rushid Ahmed, Mr. Amir Hussain, Maulvi Shafee Daudi, M.L.A., Mr. Anwarul Azam, M.L.A., Mr. Zahoor Ahmed, Bar-at-Law, Nawab Mahomed Yusuff, Hon. Mr. Feroz Khan Noon, Khawaja Nazimuddin, Syed Abdul Jabbar, Syed Zakir Ali, Mr. Mahomed Muazzam Sahib, Seth Abdulla Haroon, M.L.A., Nawab Jamshed Ali Khan, Nawab Ismail Khan, Mr. Fazal Haq Piracha, Mr. Syed Murtaza Sahab, M.L.A., Syed Mehar Shah, Dr. Ziauddin, Mr. Abdul Matin Chowdhury, M.L.A., and Major Talib Mehdi Khan.

Nawab Mahomed Ismail Khan of Meerut, Sheikh Abdul Majid of Sind, and Sheikh Mahomed Hussain of Allahabad explained that the conclusions reached at the Unity Conference were merely tentative, and that the speakers had not appended their signatures to them. As a matter of fact they had given notice of certain amendments, which they proposed to move at the plenary session of the Conference.

It was understood that Mr. Mahomed Hussain of Allahabad raised a point of order that it was unconstitutional to pass resolutions at such a meeting.

Sir Mahomed Yakub was reported to have stated that the meeting might be taken to be on the same footing as the Allahabad and Lucknow Conferences.

Mr. Mahomed Hussain further explained that there was no previous notice, that it would be an all-parties' meeting, and that only three parties were represented in the meeting. The President ruled the point out of order.

Later in the afternoon, Nawab Mahomed Ismail and Mr. Mahomed Hussain left the meeting, because in their opinion the general attitude of the meeting was unreasonable.

It was reported that the meeting as a whole was not favourably disposed towards the result of the Unity Conference from the outset. Sir Mahomed Yakub and Malik Feroze Khan Noon were reported to have taken a firm attitude.

Among those who stated their views against the desirability of introducing joint electorates in the place of separate electorates, as contemplated in the Allahabad proposals, were the Hon'ble Mr. Nazimuddin and Mr. Mahomed Anwarul Azim (Bengal), Sir Zulfiqar Ali Khan, Hon. Malik Feroze Khan Noon, Syed Habib Shah, Mr. Ghulam Mohiuddin and Talib Mehdi Khan (Punjab), Haji Abdulla Haroon and Seth Allabux (Bombay), Hafiz Wilayatulla (Central Provinces), Mr. Mahomed Muazzam Sahib (Madras), Maulana Shah Daudi (Bihar) and Mr. Zahoor Ahmed (United Provinces). The following resolutions were passed :

#### Resolutions Passed

(1) "Having regard to the growing influx of immigrants, predominantly Moslem, into the province of Assam, and the need for securing effective weightage to the minority community, the Council of the All-India Moslem League and the Working Committee of the Moslem Conference and the Jamiat-ul-Ulema (Cawnpore) endorse the legitimate claim of the Moslems of Assam for 40 per cent of the seats in the local legislature.

(2) "Having regard to the importance of the Moslems of Madras, this joint Conference deems it necessary that the Moslems of Madras should enjoy the same weightage as is allowed to the Frontier Hindus, and be treated in the matter of representation in the Cabinet and in the same way.

(3) "As no decision has yet been reached regarding the representation of the Delhi Province, and the proceedings of the last Round Table Conference have made but very small mention of this important province, this joint meeting demands that one seat for Moslems must be reserved by separate electorate each for the Delhi and the Ajmere provinces in the next Federal Assembly in India.

(4) "In view of the weightage given to non-Moslems in the N.W.F. Province, and the inadequate weightage given to the Moslem minority in Bihar and Orissa, which falls short of the Moslem demand, this joint conference resolves that at least 27 per cent representation be given to Moslems in Bihar and Orissa.

(5) "In view of the fact that some of the Moslem gentlemen who attended the Allahabad Conference have stated that their proposals are not yet final and the report of the Unity Committee has not yet been even signed and one of the gentlemen has tabled and proposes to move some important amendments to the Allahabad proposals, this meeting of the Council of the All-India Moslem League and the Working Committee of the Jamiat-ul-Ulema of Cawnpore and the All-India

Moslem Conference considers any opinion regarding the Allahabad proposals as premature. But in order to remove all possible misrepresentation or misapprehension, this meeting wishes to make it quite clear that no communal settlement, by whomever arrived at or agreed to, shall be acceptable to the Moslem community at large, unless and until all the demands embodied in the Moslem Conference resolution of the 1st January 1929, amplified by the resolution of April 1931, are fully conceded.

(6) "This meeting further puts on record its considered opinion that the Allahabad proposals as published hitherto fall short of the Moslem demand and are therefore unacceptable.

(7) "This meeting authorises the Secretaries of the organisations to issue a statement embodying the substance of the speeches in support of the resolution."

At the close of the meeting, a joint statement over the signatures of Sir Mahomed Yakub, Secretary, Moslem League, Maulana Mahomed Shafi Daudi, Secretary, Moslem Conference, and Mr. Mazharuddin, Secretary, Jamiat-ul-Ulema of Cawnpore, was issued. The following is the text :—

### Text of Statement

"The joint conference of the working committee of the All-India Muslim Conference, the Council of the All-India Muslim League and the Jamiat-ul-Ulema-i-Hind (Cawnpore) has carefully considered the text of the draft resolutions recently passed by the committee of the Allahabad Conference and while registering appreciation of the endeavours made by a wing of Mussalmans to arrive once again at some settlement with the Congress and the Mahasabha Hindus and with the Sikhs on the communal problem, desires to place on record its opinion that the proposed basis of the agreement is injurious to Muslim interests, impractical and unacceptable.

As those responsible for conducting the proceedings at Allahabad did not publish the full text of the resolutions they had passed until the latest possible moment and then immediately proceeded to proclaim far and wide that complete unity amongst the communities of India had been achieved as a result of them, we consider it of importance that the popular misapprehensions about the scope and status of the Allahabad Conference and meaning of the resolutions passed by it should be promptly corrected. We note with surprise that one of the chief Hindu participants in the negotiations has at this early stage actually telegraphed to London to say that the conference has settled the communal problem.

The communal decision given by His Majesty's Government last August was only necessary because of the regrettable failure of the communities despite the most strenuous and repeated endeavours over a period of many years to reach an agreement regarding their respective political positions in the self-governing India. In our view this failure was due to the persistent refusal of the majority community to meet the minorities' just and reasonable claims. Owing to complete deadlock thus created, the position arose in which, had no award on the subject been given by His Majesty's Government, it would have been impossible for India to progress any further towards the management of her own affairs.

As was emphatically recorded by a vast majority of the accredited Muslim organisations and leaders at the time, the award was very far from satisfying the legitimate Muslim political demands which had been formulated and generally agreed upon in the past. Nonetheless the majority of responsible Muslims were after a while reluctantly forced to the conclusion that since the majority community were obstinately and from all appearances irrevocably opposed to granting us safeguards and protection which as a minority we are entitled to and since no further advance towards responsible self-government for India was possible except on the basis of the award, it was advisable, despite its obvious defects from the Muslim point of view, to accept it.

How in these circumstances it can possibly be imagined that the Muslim community as a whole will willingly accept the political position materially worse than that provided for them even by so admittedly defective a device as the decision, we utterly fail to understand. Yet, after a most careful examination of the resolutions passed at Allahabad, the only conclusion we can reach is that this is what the committee proposes. It will be remembered that when towards the end of September certain Muslim and Hindu leaders in their individual capacity made proposals for a revival of Hindu-Muslim negotiations about the communal representation, a large body of Muslim spokesmen were of the opinion that no good purpose could

be served by further discussions at this stage in view of the innumerable failures recorded in the past.

Indeed, many of us feared that the re-opening of the problem now would only end by embittering communal relations as it had done several times before. Others, however, thought that the attempt might be worth while and agreed to accept the invitations to Muslim conference in Lucknow which was held last month with the object of formulating minimum demands on the basis of which Muslims would be prepared to re-open negotiations with the Hindus. Even this conference, however, was not fully representative of the Muslim opinion since many influential Muslim leaders, who from the past experience had grown tired of profitless discussions with the leaders of the majority community, refused to attend. The essence of the resolutions passed by the Moslem leaders who went to Lucknow was that the acceptance by the Hindus of the 13 out of the 14 approved Moslem political demands should be made *precedent* to any negotiations about the remaining point, namely the form of electorate. No authority of any kind was given under the Lucknow resolutions for re-opening the discussions about or altering in any way the remaining 13 points. Yet Hindus are now loudly proclaiming that resolutions passed by the committee of the Allahabad Conference which impinge materially on the 13 points in a number of ways have been accepted generally by political opinion throughout the country and that the communal problem has finally been disposed of.

The only satisfactory feature of the Allahabad negotiations, so far as we can see, is that the representatives of the majority community have at last been forced to recognise theoretically the validity of certain of the Moslem demands which had been before them for years, such as, grant of the majorities to the Moslems in the Punjab and Bengal and the separation of Sind. But this recognition has in our opinion been hedged with qualifications and reservations as to make it quite meaningless from a practical point of view.

We append below a few of the more obvious considerations which have led us to the conclusion that the Allahabad resolutions do not constitute a practical basis for discussion. We make no claim that the catalogue is exhaustive but the organised secrecy with which the Allahabad proceedings were conducted and followed, as it has been, by a sudden and intensive publicity campaign designed apparently to confuse the popular opinion, clearly necessitates prompt corrective measures. Our list, however, will be sufficient to demonstrate that so far as the Moslems are concerned, the Allahabad scheme would render their position definitely worse than it would under the admittedly unsatisfactory provisions of the communal decision.

The Moslems in the Punjab are guaranteed 56 seats in a house of 175 by separate electorates. In addition, they are almost certain to secure one *tunandar* seat and two landholders' seats. There is also a good chance of their getting one labour seat. The total probable number of their seats is thus 90. Under the Allahabad arrangements they are deprived entirely of the safeguards of separate electorates to which on good grounds so much importance has been attached, and are in addition required to give up sufficient seats to the Sikhs to bring their total representation down to a maximum of 51 per cent of the whole house. As the Mussalman amount to 56 per cent of the population of the Punjab, any further surrender than that required under the communal decision is manifestly impossible.

The Moslems have always considered themselves entitled to a majority in Bengal and this the communal decision did not give them. We protested strongly against His Majesty's Government's decision in this matter at the time it was announced and at first sight it may appear to some that the arrangements devised at Allahabad would possibly result in an improvement in the Moslem position in this province. On further examination, however, any idea that the scheme devised there is in the slightest degree practicable, completely collapses. It assumed first that the Hindus and Mussalman should combine to seize for themselves 20 or more seats which had been allotted to similar communities and, secondly, that more than twice the total number of these forfeited seats should be allotted to Hindus. We have always contended that the number of seats allotted to smaller communities in Bengal, particularly to Europeans, was far too large. But what sense there is in pretending that Bengal Europeans who were never even represented at Allahabad will when approached in the matter happily agree to their seats being reduced from 25 to 7. That is what we can not imagine, and without their consent the so-called Allahabad 'Agreement' regarding Bengal is completely meaningless.

The Sind Moslems demanded that Sind should be unconditionally separated from the Bombay Presidency. His Majesty's Government have accepted the principle of

separation provided a satisfactory means for financing the new province can be found. The Hindu delegates at Allahabad are reported to have agreed to their personal capacity to separation, subject to number of conditions and safeguards, which would seem likely to render separation either impossible or valueless. Nothing appears to have been decided on the financial issues. Separation is itself made dependent *inter alia* on introduction of responsibility at the centre and the total number of seats provisionally allotted to the Hindus in the new province is greater than that provisionally allotted to them under the communal decision. The Allahabad decision regarding Hind is thus clearly even more ambiguous and unsatisfactory than the Government's decision. All along there has been practically an unanimous demand among the Moslems for separate electorates. This the communal decision granted to them. There is no need here to go over the old ground and explain why separate electorates are necessary. At Allahabad, however, parade has been made of substituting the late Maulana Mahomed Ali's electoral formula which Dr. Moonje rejected at the first session of the Round Table Conference for a device of separate electorates. But in point of fact what is proposed is radically different from what the late Maulana suggested. The principle underlying Maulana Mahomed Ali's formula was that the second best Muslim, if he secured a minimum of 40 per cent. of votes of his own community, would be deemed elected instead of the best Muslim if he got a majority of non-Muslim votes. But the Allahabad modification of the formula completely undermines the entire principle since it provides that a Muslim getting less than 33 per cent. of votes of his own people could be elected if he secured most of the non-Muslim votes, which evidently means that the fourth best Muslim could be elected instead of the best one if he were supported by members of the other communities. This in effect gives separate electorates to the Hindus and joint electorates to the Muslim voters if he enjoyed confidence of his own people, whereas an unfortunate Muslim candidate would always have to consider Hindu voters first and Muslim voters afterwards. The proposal is obviously ridiculous. As regards this the Muslim demand was that in every cabinet Muslim representation should be adequate and as amplified by Mr. Jinnah, not less than  $\frac{1}{4}$  of the total. The Allahabad committee remarks that the claims of the important minorities to portfolios in provincial cabinets shall be recognised by convention. What this may mean is completely obscure. At the centre they propose one seat for the Sikhs but make no remark regarding the provision regarding the Mussalmans.

Muslims demanded that they should get a share of representation in service proportionate to their representation in legislatures. The Allahabad committee has resolved that a committee should be responsible for deciding about appointments.

The Baluchistan Muslims demanded that reforms should be introduced in Beluchistan in the same way as in other provinces. The Allahabad committee has decided that the method of achieving this object should be considered hereafter.

It is remarkable that whereas safeguards have been laid down under the Allahabad scheme for the Hindus in the Punjab, Bengal and Sind, no corresponding arrangements appear to have been made for Muslims in such provinces, such as the Central Provinces and Madras where, being in greatly inferior numerical position, they need them. Safeguards corresponding to those provided for the Hindus in the Punjab, Bengal and Sind do not seem to have been secured for minority communities in the central legislature, where Hindus will be in an overwhelming majority. Further, the right to a decision on controversial matters is apparently to be given to the central legislature, thus striking a blow at the fundamental Muslim demand that residuary powers shall remain with provinces.

The above analysis which, as we have explained, is not exhaustive but sufficient to demonstrate that the Allahabad solution of the communal problem is, so far as the Muslims are concerned, manifestly unfair and unacceptable. Minorities in India have very real cause for apprehension as to what may befall them from the majority under a democratic regime and if the Hindus had a greater capacity for realistic statesmanship they would have realised the validity of our claim for adequate protection years ago. We and they could then have marched forward in friendly co-operation and India could by now have proceeded further on the high road to complete self-government.

Let the Hindu community give up their pose when really actuated by communal considerations in the sacred cause of nationalism, and all inhabitants of this great country will then be able to go forward in peace and security to a splendid future that awaits us."

# The Second All Parties Muslim Conference

LUCKNOW—10th. TO 12th. DECEMBER 1932

In response to the invitation issued by the Raja Sahab of Salempore, a second All Parties Muslim Conference was held at Lucknow on the 10th. December and continued till the 12th, under the presidency of Sir Zulfikar Ali Khan. The object of the Conference was to consider the unity proposals. The gathering was sufficiently representative consisting of members from practically all Muslim organisations including the All-India Muslim League and Conference, the Nationalist Muslim party, the Jamiat-ul-Ulema, the Muslim Youth League, the Afghan Jirga and several others from Bengal, the Punjab, and the Frontier province. In his presidential address Sir Zulfikar Ali spoke *extempore* as follows in Hindustani :—

## Presidential Address

The recent gathering at Allahabad of representatives of all parties in India has demonstrated to the world that Indians, whether Muslims or Hindus, are capable of solving their domestic differences in a decent and amicable manner. Muslims outside India considered us to be stumbling blocks in the path of India's progress, though as a matter of fact the Muslims as a minority were doing simply what any minority in the world would have done under the circumstances. But he it noted that the Muslims were second to none among the various communities of India in their desire for the progress and prosperity of their motherland.

The Conference will have to consider the resolutions adopted at the Unity Conference at Allahabad in detail and it is hoped that their consideration will be made in a light which will adequately guide the posterity of India. Decisions will have to be taken that will bear the stamp of permanence and not be merely transitory since, once made, constitutions cannot be easily amended.

The Premier's award considered only two points, (weightage and the question of electorates), out of the 14 points of Mr. Jinnah, whereas the Unity Conference at Allahabad and this Conference is prepared to consider in an attitude nothing short of praiseworthy, all the 14 demands. Why then should some Muslims in this country refuse to participate in these conferences is an enigma. If they had any differences of opinion, they should have laid them to-day before this Conference. It is to be regretted that there are certain cliques and individuals who for their own selfish ends are ready to sacrifice the best interests of their community and country.

The address concluded with an appeal for goodwill and mutual trust among all the communities specially in the Punjab where it was pointed out that even a 51 per cent. majority in the provincial legislature cannot give the Mahomedans the right form of an exclusive Cabinet and it will be impossible to work any Government without the co-operation of the Hindus and the Sikhs.

## Resolution Passed

The following resolution was unanimously adopted :—“This session of the All-parties Muslim Conference, after a full consideration of the proposals at the Allahabad Unity Committee, comes to the conclusion that the proposals are acceptable to them with some amendments which are to be put before them and empowers its delegates to Allahabad to reach a final agreement within the ambit of the said amendments.” Fifty delegates to the Allahabad Conference were selected.

## Influential Muslims' Statement

Sir Zulfikar Ali Khan, as president, subsequently issued to the press the following statement which was also signed by 20 other Muslim leaders :—

“The Muslim All-Parties Conference at Lucknow after 3 days' ceaseless work has concluded deliberations and we are glad to say its labours have been fruitful. The co-operation of most influential and organised Muslim bodies in India has enabled the workers to achieve a remarkable success and the Muslim solidarity is being preserved. The object of all and every one of us has been to create unity among all communities in India by just and fair dealing. We can say with honest convictions that we have laid the foundations of peace with honour which will enable the nation to march rapidly along the path of progress and reach the goal of Indian

liberty in as short a time as possible. In reaching the conclusions we have kept in front the resolutions of the All-India Muslim Conference held under the presidency of His Highness the Aga Khan and we can confidently say that the proposals of this All-Parties Muslim Conference for the Unity Conference are in strict conformity with the principles embodied in the All-India Muslim Conference resolution. We expect that our Muslim brethren will keep their minds open and be not prejudiced by the insidious propaganda which is being carried on by certain Muslims and some section of the press. We are convinced that our community is actuated by the desire to cultivate friendliness and good relations towards other communities as no progress in life is otherwise possible and we are striving our best to bring about that desirable result."

## The Second Session of the Unity Conference

ALLAHABAD—16th. DECEMBER 1932

The second session of the Unity Conference met on the 16th. December in the Mayo Hall, Allahabad, under the presidency of Mr. C. Vijayaraghavachariar. It was attended amongst others by His Highness the Maharaja of Alwar, Pandit Madan Mohan Malaviya, Maulana Abul Kalam Azad, Dr. Moonje, Nawab Muhammad Ismail, Sheikh Abdul Majid Sindhi, Maulana Zafar Ali, Dr. Syed Mahmud, Babu Rajendra Prasad, Pandit Hirday Nath Kunzru, Mr. C. Y. Chintamani, Haji Syed Muhammad Hussain, Mr. Anoy, Syed Hyder Mehdi, Sardar Ujjal Singh, Sardar Gyani Sher Singh, Mr. Ahmad Shah, Mr. Dawood Ghuznavi and Pandit Govind Malaviya (general secretary). Amongst the distinguished ladies who graced the conference with their presence were Mrs. Madan Mohan Malaviya, Mrs. Brijlal Nehru, Mrs. Asaf Ali and Srimati Shannu Devi of Lahore.

The proceedings commenced with a proposal made by Maulana Abul Kalam Azad and seconded by Pandit Madan Mohan Malaviya that Mr. C. J. Vijayaraghavachariar, who had ably presided at the first opening session of the Unity Conference last month, should take the chair. The motion was carried by acclamation.

Mr. Vijayaraghavachariar, who took the chair amidst cheers, said that for several reasons, more or less beyond their control, the committee appointed by the Unity Conference had not been able to finish its labour and to present a report to the Unity Conference. Therefore, the Unity Conference as such could not meet to-day and it had to be postponed pending the report of the committee. The All-Parties Conference which was to follow, the Unity Conference was also fixed for to-day and at the end of their proceedings it would have to be adjourned, much to their regret.

Pandit Govind Malaviya then read out over a hundred messages wishing the Conference success, received from prominent persons all over the country, including messages from the Rulers of Baroda, Bikaner, Patiala, Bhopal, Dholpur and Rampur. Other messages included those from the Maharaja of Darbhanga, Begum Mahomed Ali, Dr. Mutlakshmi Reddi, Sir Hari Singh Gour, Sir Sita Ram, President U. P. Council, Mr. A. Rangaswami Iyengar, Editor of "The Hindu", Dr. and Mrs. Subbarayan, Mr. Satyamurti, Mr. Jamal Mahomed, Mr. Jamshed Mehta, Mr. Lalji Naranji, Mr. G. K. Deshpande, Mr. J. N. Basu, and Sir Ganesh Dutta Singh, Minister for Education, Bihar.

### MAHARAJA OF ALWAR'S SPEECH

The Maharaja of Alwar then delivered a speech *extempore*. He spoke for half-an-hour. His address was punctuated with numerous Sanskrit quotations. His Highness concluded his address with a poem of his own composition. His Highness said:—

"On the present occasion, a forty-eight hours call came to me from Maulana Abul Kalam Azad and Pandit Malaviya in the name of the Unity Conference. The call was indeed irresistible. Everything that can be devised by soul force to bring about unity in this country of ours in order that it may march forward towards its rightful goal and heritage—whether one belongs to Indian States or to British India—should be done. We should fulfil that great pledge for which this land of ours has given us birth. When there is mutual trust between the communities as also amity and friendship,—it may be said that we have covered more than half



the way to the goal. We should be prepared to make sacrifices not for this community or for that, but for the sake of the land that has given us birth, because we all equally aspire that she shall again become the glorious India of the past. Every sacrifice to achieve that deal is worth the name that we carry with us, as sons and daughters of this great fatherland.

"As its very name signifies, this Conference is for the sake of achieving unity between the different sections who are going to be part and parcel of the future Federal India. It is a thousand pities that you were unable to come to a mutual agreement and decision when the question was placed in your hands and some of you finally appealed to the Government to decide the question of representation in the future Federation. Naturally, the question has become more difficult when having placed the responsibility in the hands of the Government, we now try to hammer out on the anvil of goodwill and mutual understanding the question, which at our request, had been decided by the Government. The question may be difficult of solution, but let us wipe off the word "difficult" from our dictionary. You must convince the Government that, if you had made a mistake once, you are determined to be united hereafter.

"I feel certain, whatever you decide now, that you will find yourselves in the happy position of not only having a joint electorate in the legislatures, but of being a joint family of India's sons and daughters, whether Hindus, Muslims or Christians. Undoubtedly, for some time, as we seem to think, safeguards are necessary for this or for that community for minorities or for majorities in this province or that, in British India or in the States, but whatever you may put down on paper, the best safeguard of all is mutual brotherly relationship and trust. Without that any number of safeguards will not be sufficient, but with that, no safeguard will be necessary."

Referring to his speech at the Round Table Conference, His Highness said: "Now, I stand exactly on that ground to-day. After all, in our Indian States, well governed or badly governed, we have no safeguards as regards finance, as regards our Army or in any other field, except in respect of foreign relations which according to our treaties, were ceded to the British Crown. But do you mean to say that no one in the Indian States wishes that people on the other side of the boundary in British India, should not reach that status in which they would be able to govern their own homes in a manner befitting their ancient heritage, and yet keep within the Empire as loyal partners and friends of the British Government and Crown? I believe that this is possible of solution. I am perfectly certain that the time will come when looking back on your labours, you will realise that these days were not wasted, that the time you spent on such a big enterprise with all its inconvenience, resulted in that final achievement of which you may be able to leave behind to posterity some thing of which they may not be ashamed."

*Sheikh Abdul Majid*, who followed the Maharaja of Alwar, declared that Muslims were as anxious for communal unity as any other community. The last time they devoted seventeen days for arriving at a settlement and even if they had to spend a good deal of time, they were determined to reach satisfactory conclusions. They wanted to go back from Allahabad with a settlement that would lead to the creation of a common nationality in India.

*Dr. Moonje* repeated that the Hindus and Moslems were like twin brothers and occasional quarrels could not divide them for ever. Especially when they had to face a third party they were bound to unite. He reminded the audience that the present was the time when unity among them was needed most to face a third party.

*Maulana Zafar Ali Khan* considered that, on the conclusion of the Conference, they would be in a position to throw a challenge to Britain that India did not care for the conclusions of the R. T. C.

*Mr. Giani Sher Singh*, Sikh leader of the Khalsa Darbar, spoke on behalf of the Sikhs. He deplored the absence of Gandhiji and other leaders who were in prison. He assured them that once an agreement was reached, the Khalsa Darbar would ratify it and the Sikhs would join the Congress in their thousands.

*Babu Rajendra Prasad* said that he was glad the ideals for which the Congress strove from the day of its inception, were now becoming common and Indians were uniting among themselves. The committee had very nearly concluded their labour and what they were doing was filling in the picture. He hoped that on the conclusion of their labours they would go to the country with a message of hope and cheer.

*Mr. C. Y. Chintamani* emphasised that unity was a national necessity. He had personally taken a very small and intermittent part in the committee proceedings, but he could assure them, without the slightest exaggeration, that wonderful and inexhaustible patience was being brought to bear on the task by the committee members. Pandit Malaviya was the very embodiment of patience and peace. Day after day and night after night, they were trying to find means to present before the country a complete scheme, the best defence of which would be that it would satisfy the largest number of persons, without leaving to any one a sense of triumph or defeat. That alone would be an enduring settlement. That there had been delay was inevitable, and that there were many disappointments was also inevitable.

*Mr. Chintamani* paid a tribute to the eighty-one year old President, who was as passionate in his patriotism as any youth of twenty-five. Under such auspices and under the guidance of Maulana Abul Kalam Azad, a true-hearted Nationalist whose admirer he had been for the past eight years, let them pray that the Unity Conference would be a success, and that it would confound their opponents and gratify the country.

*Mrs. Brijlal Nehru* regretted that the committee was not in a position to present the report to-day, but it did not mean that it would not be possible to do so soon. She had worked with the committee for two days and the impression left on her mind was that the achievement of communal unity was a certainty. She hoped that, after the settlement, they would go from one end of the country to another with the message of unity and freedom from foreign thralldom.

*Mr. B. P. Bharucha* assured the Conference of the help and co-operation of Parsis in achieving national unity. Maulana Hafizur Rahman and Mian Ahmed Shah assured the Conference support on behalf of the Jamiat-ul-Ulema and the Frontier Province respectively.

*Pandit Malaviya* observed that the only thing which he regretted was the absence of Gandhiji and other colleagues on the occasion, but even in their absence, the committee were determined to achieve the great object in view. The problem before them was intricate since it concerned the future of 350 millions. The conclusions of the Conference were going to decide whether they were to be masters of their own house or to remain slaves. Fifteen days was not much to bring unity into being and the country need have no fear about the final result. When they would meet again, they would place the final scheme before the country. He appealed to every one to have patience and not to draw hasty conclusions. The situation was decidedly hopeful and the time was not far off when there would be the dawn of freedom. The Pandit said that a great deal of work had been done, and he hoped the balance would be gone through and completed soon. He had experience of a number of conferences, but none of such an importance as the present one. The task was of course a stupendous one. He hoped that Anglo-Indians would also join them.

The President, *Mr. Vijayaraghavachariar*, at this stage, adjourned the meeting.

## The Third Session of the Unity Conference

OPENING DAY—ALLAHABAD, 23rd, DECEMBER 1932

### President's Farewell Speech

The third session of the Unity Conference met in the Mayo Hall, Allahabad on the 23rd. December to hear a farewell address by the President, *Mr. C. Vijayaraghavachariar*, who had to leave for Salem. *Mr. C. Vijayaraghavachariar* said:—

Ladies and Gentlemen—When at the close of the inaugural meeting of our conference on Friday last it was adjourned to this week for business, it was accepted that we should be able to present to you the report of the committee for consideration, and I am sorry to say that this is not possible owing to unexpected circumstances. And so the Conference cannot be closed to-day, but there will be another stage at Calcutta shortly. The work entrusted to the committee is nearly over. As you are aware the committee was appointed by the Unity Conference on Nov. 3

last and the reference to it was most comprehensive. It began its work the very day and with the sub-committee chosen by itself it has hitherto held twenty-five sittings, each of considerable length.

In assessing the value of our work you must remember what exactly it is we are called upon to do and we are doing. Our present political situation is a most critical one and highly complex too. It is unexampled in the world's history and the problem before us is one of to be or not to be, and this movement has been started together with the parallel movement relating to the uplift of the depressed classes with a view to save us from ourselves before we would, expect to save us from all external danger and rise equal to the full discharge of our duty to ourselves and to posterity.

We must consider the present movement in its two aspects. They are the spirit of unity and the mechanical adjustment based on it in view of the Premier's Award and the coming constitution. I need hardly say that the former aspect is by far the most valuable. This is permanent while the other is transient and intended to be modified from time to time.

We are where we are and are not where we ought to be, chiefly because we have been divided into sections by class, creed and even conflicting economic interests. While this is really a stumbling block in the way of securing and enjoying our full political liberty the phenomenon has been magnified and has been made use of for the purpose of preventing us to get back into our God-given and inalienable rights. During the 25 days the committee and the sub-committee hitherto met, I was proud to observe that every one fully realised the lack of national unity and every one—Hindu, Mussalman, Sikh and Christian—displayed intense anxiety to do everything and to omit nothing necessary for reaching this divine end. This was never forgotten throughout all the proceedings even when there were keen controversies about several points relating to mechanical adjustments. It was a sight worth the gods that our Muslim brethren no less than the others have been most enthusiastic and intensely bent on securing our one object of unity. Sheikh Abdul Majeed was so distressed at one time, when he thought that the agreement will not be reached, that he declared in anguish that he would rather die here and be buried in Allahabad than return to Karachi unsuccessful, and when the Sind problem was solved Maulana Zafar Ali Khan was in ecstasies and sang a poem extempore rejoicing that the lost unity was recovered. (Applause)

I would next call your attention to another aspect of the whole question before us. Let it be remembered that the Premier's Award, while it does injustice to all sections, does the most injustice to Hindu community. Groaning under the weight of this grievance, there are some amongst us who believe that the Hindus are called upon to make greater sacrifices in order to make this movement for national unity quite successful. And surprise is expressed by some as to how I have managed to be a party to this movement. Now, my Hindu brothers and sisters, let me admit to you at once that the sacrifice we are making is the greatest but I would ask you to view it in two aspects, namely subjective and objective. Considered merely subjectively, it is a great sacrifice that we are making, but this sacrifice we are making is a self-sacrifice, spontaneously made with a view to recreate the Indian nation and in this view I have no hesitation in adding that it will elevate and integrate the Hindu community in the process. We must not forget that ours was a nation which welcomed, protected and admitted to a footing of equality the persecuted Jews, Christians and Parsis. The soul of ancient India so long hibernating owing to abnormal times and conditions is now up in all its purity, vigour and grandeur and it is our sacred duty to recognise this great phenomenon and glory in it, too.

Let us next objectively consider the sacrifice which we Hindus are called upon to make at this God-given opportunity because, if it is lost now, another may, not be present again for many a year to come. Comparatively speaking, it is not a great thing after all. It has to be considered entirely in reference to the coming constitution and what is the coming constitution? It is worth our while to envisage it for a minute. It is a strange *Olla Podrida* of exploded feudalism, novel and startling federalism and Caesarism by no means less absolute than the Tsardom of the whilom Tsar of Russia. This hotch potch of political mechanism is unknown to history and not dreamt of by political philosophers. In its scope the mechanism consists of three factors—the Crown, the Indian States and British India and the proposed relation among these three constituents of this strange federation constitutes a sort of political polyandry—the States and the Crown, and the State

and British Indians—and this original device has been hit upon that the first pair may tyrannise over the other partner. The Foreign Office representing the paramountcy will have enormous powers to control British India indirectly through the Indian States whose members will enter our Parliament as immigrants without a political quarantine. The strange federal Government will have no control of the conditions under which these members will be selected.

Then there is the provision that the Governor-General and the Governors are to have enormous powers—legislative, judicial and executive, in defiance of long-established political principles relating to separation of powers. In these circumstances our coming constitution will be both fantastic and perilous. The one problem for us now is what should be the attitude of the country as a whole towards the constitution which is going to be imposed upon us. Already our amiable fellow-subjects and patriots, who are at the Round Table Conference with the conviction that half a loaf is better than no bread, are now emerging from the confused issues to which they had been subjected. I wonder if they will rise equal to the occasion and make the hall of the Round Table Conference our Thermopylae at this national crisis. Be this as it may, I wren that our countrymen will be divided into two sections, one entering the coming legislatures and cabinets and testing them from within and the rest keeping outside and watching the same with a view to wreck them in order that out of their ashes a Parliament might arise and a State be constructed which is of the people, for the people and by the people. It is strange to see that already His Majesty's Government have begun to use against us the stick of Abraham Lincoln with its wrong end and without its lofty aim relating to the emancipation of slaves and the unity of the nation. They have warned Burma that if she does not separate from India now she will never be allowed to separate again. In other words, under this strange federal constitution, no constituent will have power to secede at any time. Apparently no State can ever enter into a contract for secession before entering the Federation. If so, I wonder how many Indian States would think of entering this Federation. Henceforth our one duty is to integrate ourselves into one great nation. Let us never forget that nations by themselves are made. We have now two movements before us. The object of both of them is one and the same, namely, justice, humanity and statesmanship. Only the one is vertical while the other is horizontal. The first has been started by Mahatma Gandhi, namely, the reform and uplift of the lower classes of the Hindus, and the other has been started by Pandit Madan Mohan Malaviya for the union of all religions and communities in India. The debt of gratitude which India owes to these two great sons of hers is simply incalculable. The two movements started by these worthy sons of India together constitute an important and bright epoch in the history of our political struggle. We must remember, so far as the nature and the durability of our nationality is concerned, we are in a much more favourable position than most civilized peoples in the world. In the main there are three forces which disrupt a nation and they are racial, religious and economic forces. Of these the most formidable one is the racial question. The League of Nations has not yet succeeded in protecting the national minorities of Europe and uniting them with the rest. Fortunately, we are safe from this great and dangerous problem. We Hindus, Christians and Sikhs and practically the whole body of Muslims are of one race and all the latter were Hindus once. And any small groups that there may be in India have been so long subject to the influence and culture of this race that the Indian people may be justly considered as of one race. If we recognise this fact and ever aim high and never forget our goal, the other two elements of national disruption will soon disappear. United and consolidated and governing our country ourselves every man and every woman will be given equal and best opportunities, so as to enable them to reach their best and thenceforth national poverty will begin to disappear and the health and the length of life which have been dwindling for some years past, so much so that our average is now half of that of the Englishman and many other nationalities will gradually and rapidly increase.

It is to be hoped that our Bengali Hindus will fervently rejoin in making this movement a success. The premier province in India intellectually is Bengal and the Bengali is also highly emotional and it is but natural that now and then he should be more under the sway of his feeling than his intelligence. Groaning under a real grievance caused by the Premier's Award, not to mention some others, now several of the thinkers and leaders among them are under the belief that the Hindus in the rest of India are not standing by them as they ought

to. This is an imaginary grievance. I do not know how they got into that faith. Yet it is there. I do hope that if they do not see the error of their belief they would forget and forgive, heartily join this movement and make it a complete success next month. The whole country is very anxiously looking forward to our Hindu brethren in Bengal that they would not hesitate to give up a few of their seats in the local legislature in favour of our Muslim fellow-countrymen there. The surrender would do them no harm, while hesitation on their part involves a suicidal and disastrous abdication of sacred functions and duties in this grave national crisis. I am sure they would not forget the very essential fact that whatever the degree and nature of the coming political advance, the Hindus of Bengal and the Punjab as well as of Sind, if separated, would have no voice in the government of the country unless the electorates are joint and unless we co-operate with our Muslim fellow-countrymen who would form the majority in the legislatures of these three provinces, just as Muslim and other minorities in other provinces would have no voice whatever in the coming government except upon a system of joint electorates. I must now conclude. The proposed constitutional adjustment based on the union of hearts is necessarily transient and our creative experience during that period will tell us what things are Caesar's and what things are not Caesar's. We shall then be in a far better position to demand that constitution which is ours, God-given, and from which we have been too long excluded. For this purpose this movement towards national unity should expand in every direction and flow on as it expands in increasing volume. It is only when we reach an unbreakable solidarity that we can put forth our claims to get into the great international family and secure our legitimate place therein not only to our own eternal advantage, but also to be a light and guide to all in our common path towards the destiny of man till God shall send his angel to proclaim that Time shall be no more. (Loud and prolonged applause.)

#### SECOND DAY—21st, DECEMBER 1932

The Conference met again on the next day, the 24th, December, and in the absence of Mr. Vijayaraghavachariar, Pandit Mahan Mohan Malaviya was voted to the Chair. In the course of a short address, Pandit Malaviya said that the Unity Conference appointed a committee on Nov. 3 and that committee after 15 days' labour and deliberations on important matters of differences between the different communal organisations, came to a agreement. That agreement was published and it was decided that the representatives of the various organisations, who were party to the agreement, should return and put the agreement before their respective organisations to find out if it was acceptable to them or they desired some modifications.

Many unity conferences were held before, but none of them succeeded in arriving at a complete agreement in respect of all the matters. But, thank God, said Pandit Malaviya, the Unity Conference attained complete success on this occasion.

After achieving success last month, their sole concern was to find out how the agreement was received by various organisations. Some of the 'kind friends' of India said that the agreement was of no value. The Muslims held a conference in Lucknow and accepted the settlement. Dr. Moonje, president of the Hindu Mahasabha, also accepted it, and he having accepted it the Hindu Mahasabha would also accept it. The agreement was also put before the Sind people and they, too, accepted it there and so did the Indian Christians.

The representatives of the various organisations came again to Allahabad with all possible amendments to the formula adopted last month and every proposition was scrutinised in the light of the amendments, and he was glad to say that though amendments were made to some propositions, the committee adopted the agreement of last month without any very material alterations. The committee took last month about 15 days in coming to an agreement and it was a coincidence that this month also they concluded their deliberations on the 15th day and, thank God, they reached that evening the stage of complete unity in respect of all important matters. The Assam problem was also settled, but as there was a difference in respect of some minor matters of procedure—which could not be settled as the Assam delegates had left, the Assam formula was not incorporated yet in the agreement. But he was sure that in the solution of it there would be no difficulty and the formula would be finally adopted in a very short time. Matters affecting the Sikhs

had also been satisfactorily settled, except in regard to two provinces outside the Punjab and he trusted that a decision would be taken on them also very soon. The Indian Christians also were with the committee this time and questions affecting them were also nearly settled except some matters, which needed a little further examination.

### BENGAL REPRESENTATION

With regard to Bengal, Pandit Malaviya said that last month's formula had been incorporated in the agreement presented to the conference that evening. There was no disagreement on the principle embodied in that formula, namely, that the Muslims would get 51 per cent representation in the Bengal Council, Hindus 44.7 and other communities the remainder. But as the arrangement affected the Anglo-Indians and Europeans also, the Hindus, Muslims, Sikhs and Indian Christians could not take a final decision in the matter. Pandit Malaviya said that Anglo-Indians were invited to the conference but they did not come. He had been to Bengal to study the situation and he hoped that the Anglo-Indian community would co-operate with them. So far as Europeans were concerned a solution could not be found and another effort would be made to secure their co-operation in connection with the unity formula.

But assuming that the Europeans did not accept it, then the question would arise how they should give effect to the scheme and it was for that purpose that the Unity Committee would meet in Calcutta. Pandit Malaviya said that it was not a difficult problem and he fully trusted that having arrived at an agreement on all difficult matters, the question of Bengal would also be satisfactorily settled. Either the Europeans would co-operate with them or God would give them capacity to find out some other way to enable the Hindus, Muslims, Christians, etc. to work together in the Bengal Council.

Proceeding, Pandit Malaviya said that it was a matter for gratefulness to the Almighty that the Unity Committee had attained such good results. The text of the agreement would give an idea of the extent of their achievement. The agreement might be open to criticism that it fell short of some ideals. But it should be remembered that they wanted a Swaraj under which the kingdom would be neither of Hindus, nor of Muslims, nor of Parsis nor of Sikhs but of all communities. In other words, they wanted the Raj of Indians, and to attain that goal the first essential step was unity between different communities in the country. Unity was the foundation of Swaraj. On account of communal differences they were laughed at and considered unfit for Swaraj. Pandit Malaviya hoped that their Allahabad achievement would enable them to tell the foreigners that they were now fit for Swaraj. Under the present conditions, they had to abide by the decisions of others but with the achievement of unity they would have the strength and liberty to enforce their views. The Round Table Conference that was being held in England was not a conference of free people, said Pandit Malaviya. The Britishers were no doubt 'free' but those who had gone to the conference from India were not free men. He did not mean any disrespect to the Indian delegates to the Round Table Conference. On the other hand, he would say that they were doing their best at the conference for the country. But the fact remained that they were not 'free' people. Until 'free' people joined a Round Table Conference, convened to decide the country's constitution, they could not secure their full rights.

The result of the communal unity, Pandit Malaviya asserted, would be that there would be held in the near future a conference in Delhi or in some other place, in which Indian representatives would sit as freemen to frame their own constitutions. They should pray to God to give them strength to understand their affairs, and to assert and secure their rights. Pandit Malaviya hoped that after the Allahabad achievement, the complaint that there was no unity in India would disappear. One result of unity would be political. But unity would also change completely the social life of the different communities. He was dreaming of the day when all people, in every city in India, Hindus, Muslims, Sikhs, Parsis, etc., would unite and considering the country as the common Motherland, would combine in the effort to make her free like other nations.

### TEXT OF THE AGREEMENT

*Pandit Gorinda Malaviya* next presented to the conference the text of the Agreement adopted by the Unity Committee and estimated that the formal report of the

committee would be ready after the Calcutta meeting. The following is the text of the Agreement, :—

"This Conference is emphatically of opinion that a Government at the Centre responsible to the people and possessing the full right of a National Government will alone satisfy the needs of India and ensure the welfare of her people.

The Conference therefore demands that control over the Government of India not excluding defence, foreign relations and finance, should be transferred to the Indian people with only such safeguards, for a short period fixed by statute, as may be shown to be demonstrably necessary in the interests of India.

The Governments in the provinces shall be autonomous and fully responsible to the legislature.

With reference to residuary powers to be exercised by the Indian and the provincial Governments being scheduled exhaustively, the powers so scheduled and divided shall not be withdrawn from the provincial Governments by the Indian Government ; and further, any subject not specially mentioned in the schedule shall belong to the Indian or the provincial Government according to the relevancy and closeness of connection with the subjects so scheduled. The final decision regarding doubts about subjects not scheduled shall vest in the Supreme Court, the opinion of the Central Government prevailing in an emergency until interlocutory direction or final decisions will have been obtained.

It is also agreed that a committee be appointed to draw up the schedules.

It is agreed that among others, provisions to the following effect be included in the clause relating to fundamental rights :

(1) All citizens without distinction of religion shall be equal before the law.

(2) The State shall undertake to assure full and complete protection of life and liberty to all citizens without distinction of community, caste, creed, race or sex.

(3) All citizens shall have an equal right of access to and use of public roads, public wells and all other places of public resort.

(4) Legislative and administrative provisions may not establish any differential treatment of nationals belonging to a minority. Similarly, they may not be interpreted or applied in a discriminatory manner to the detriment of such persons.

(5) Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.

(6) All minorities shall have an equal right to establish, manage and control at their own expense any charitable, religious, cultural and social institutions, any school and other establishments for instruction and education, with the right to use their own language and script, and to exercise their own religion therein.

(7) No restrictions shall be imposed on the free use by any Indian of any language or script in private intercourse, in commerce, religion and in the press or in the publication of any kind or at public meetings.

(8) Every citizen shall have the right to keep and bear arms in accordance with regulations in that behalf. Sikhs shall have freedom to carry Kripans.

(9) Hindustani shall be the language of the Central Government with the right to use either Hindi or Urdu character as the ordinary scripts, the use of English being permitted.

(10) In the provinces, the provincial language shall be the official language with liberty to use Hindustani or English.

That the committee be appointed to draft the clauses relating to fundamental rights be requested to consider the above provisions and the recommendations relating to fundamental rights contained in the Nehru report and the resolutions of the Congress at Karachi.

#### PROTECTION OF RELIGION, CULTURE AND PERSONAL LAWS

(i) The articles in the constitution relating to Fundamental Right shall include a guarantee to the communities concerned of the protection of their culture, language, scripts, education including grants-in-aid from public funds, profession and practice of religion and of religious endowments.

(ii) Personal laws shall be protected by specific provisions to be embodied in the Constitution.

(iii) Protection of political and other rights of minority communities in the various provinces shall be within the jurisdiction of the Supreme Court.

[Note—The procedure to be provided for such cases shall be expeditious].

(iv) The personal laws of a community shall not be modified except in response to a desire of the community expressed through its representatives in the Legislature or otherwise and with the support of the public opinion of the community concerned.

(v) No change shall be made in the personal law of the Mussalmans as it is in force in British India except in accordance with Islamic principles.

(vi) If a bill is passed which, in the opinion of two-thirds of the members of any Legislature representing a particular community affects their religion or social practices based on religion, or in the case of fundamental rights of the subjects if one third of the members object, it shall be open to such members to lodge their objection hereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward them to the Governor-General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor-General or the Governor, as the case may be, may give or withhold his assent in the exercise of his discretion, provided further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the dominion affected thereby on the ground that it affects their religion or social practice based on religion or contravenes one of their fundamental rights.

#### THE ARMY

It is agreed that recruitment to the army, including air and naval forces, shall be open to all nationals irrespective of caste or creed, who possess the necessary qualifications, in considering which military traditions will be taken into consideration; but it shall be no bar to any person being recruited that he has no military tradition. It is also agreed that the army shall be kept free from Provincialism.

#### CABINETS

(i) In the formation of the Cabinet of the Central Government, so far as possible members belonging to the Mussalman, Sikh and Indian Christian communities shall be included by convention, and the ministry shall be jointly responsible to the legislature.

Further, during the first ten years in the formation of the Central Cabinet a seat shall be offered to a member of the Sikh community, and the seats for the Mussalmans shall be adequate in number.

(ii) In the formation of Provincial Governments the claims of important Indian minorities of the province for inclusion of an adequate number of their members in the Cabinet shall be recognised by convention. The ministry shall be jointly responsible to the legislature.

N. B. I. In the selection of the ministers belonging to minority communities, regard shall be had to the fact that they command the confidence of a fair number of the members of their community in the legislature.

N. B. II. Nothing in this agreement shall debar members of small minorities like the Parsis from entering the legislatures or holding appointments in the Cabinets.

#### SERVICES

(i) No person shall be under any disability for admission into any branch of the public services of the country, merely by reason of community, caste, creed, race or sex.

(ii) Memberships of any community, caste, creed race or sex, shall not be a ground for promotion or supersession on any public service.

(iii) Appointments shall be made by non-party Public Services Commissions. Central and Provincial, which shall prescribe the qualifications necessary to maintain the efficiency of Public Services and which shall, consistently with the principle,



serve a fair representation to the various communities in the Public Services of the country in conformity with the recommendations of the Committee which is to be appointed under sub-clause (v) below :—

(iv) In the Public Services Commission for the Punjab, Muslims, Hindus and Sikhs shall be represented. Similarly in all Provincial Services Commissions important communities of the provinces shall be represented.

(v) It is agreed that a Committee consisting of seven persons with power to co-opt local members for work connected with the provinces be appointed to consider and recommend a scheme such as would best give effect to the principles embodied in this resolution.

Note :—The Committee will be composed of 3 Hindus, 2 Muslims, 1 Sikh and 1 Indian Christian member.

#### CENTRAL LEGISLATURE

(i) In the absence of definite information as to the protection, powers and functions of members returned by Indian States to an All-India Federal Legislature that may come into existence, this agreement as to the reservation of seats in the Central Legislature is entered into with reference only to the representation of British India.

(ii) It is agreed that in the Central Legislature, out of the total elected seats allotted to British India, 32 per cent. shall be reserved for Muslims,  $4\frac{1}{2}$  per cent. (i.e., 14 seats out of 300) for Sikhs, 2 per cent. for Indian Christians, and 1 seat for Anglo-Indians. The rest will constitute the general electorate.

#### JOINT ELECTORATES

It is agreed that all elections shall take place through Joint Electorates. But for the next ten years the following method of election being a modified form of Maulana Muhammad Ali's formula shall be in force :—

Out of the candidates who have secured at least 30 per cent. of the votes polled of their own community, the candidate who secures the highest number of votes polled on the joint electoral roll shall be declared elected.

In case there is no candidate who has secured 30 per cent. of votes polled of his own community, then out of his two candidates who secure the highest number of votes of their own community, that candidate shall be declared elected who secures the highest number of votes of the total votes polled.

At the end of ten years this rule of 30 per cent. shall cease automatically. It will be open however to any community in any province to give up this system in favour of joint electorates pure and simple earlier, or even to start with.

N. B.—For the purposes of electorates Parsis shall be included among the Hindus, Jews among the Europeans or Anglo-Indians as the case may be, and Ben Israel among the Indian Christians.

#### WEIGHTAGE FOR MUSLIMS

It is agreed that the weightage enjoyed by Muslim minorities previous to the British Cabinet's decision shall be maintained for the next ten years.

The number of seats reserved for Muslims in the various Provincial Legislatures shall be as is shown below :—(The figures are being examined).

#### BENGAL

(1) There shall be joint electorate with reservation of seats.

(2) The Muslims will get 51 per cent. of the seats and the Hindus and others included in the general electorate will get 44.7 per cent., including in both cases seats for special constituencies.

(3) All reservations of seats and all special constituencies will cease automatically after ten years.

(4) A committee should be appointed to obtain the additional seats and adjust the claims of the Muslims and the Hindus and others in regard to the agreed ratio of their representation in the Bengal Council and to settle any other matter connected therewith, as required in clause 1 and 2.

(5) Joint electorates will be acceptable to the Mussalmans of Bengal only when they get 51 per cent. representation in the whole House.

(6) Both the communities will work together for the immediate establishment of full responsible government both at the centre and in the provinces.

- (7) When reservation of seats ceases there should be adult suffrage.  
 (8) All the above clauses stand together.

#### THE PUNJAB

It is agreed that in the Punjab the following arrangement shall be in force for ten years only from the commencement of its operation :—

(1) The Cabinet of the province shall include at least one Sikh and one Hindu member.

(2) The ministry shall be jointly responsible to the Legislature.

(3) (a) Any legislative measure or administrative policy undertaken by the ministry to which objection is taken in the Council by more than three-fourths of the members belonging to all the minority communities on the ground that the policy or measure is discriminatory or that it injuriously affects particular interest of any of the minority communities shall, if the ministry accepts the objection as valid, be withdrawn. If the ministry does not admit that the measure or policy is of such a character, a reference shall be made by the ministry to a special tribunal appointed for the purpose by the Central Government consisting of three Indian judges of High Court, not two of whom shall belong to the same community and one shall belong to the aggrieved community, and if no High Court judge of the aggrieved community is available, then one belonging to that community who is eligible for appointment as such shall be appointed, and their opinion which shall be given within a month of the reference, shall decide the question and be binding on the Provincial Government.

In case the ministry refuses to abide by it, it shall be bound to resign.

(b) Any legislative measure of the same character as described above initiated by any non-official member, if objected to as above, shall be subject to the same procedure as above, *mutatis mutandis*.

(c) It is agreed that the safeguard mentioned above shall apply to the U. P., Bihar and Orissa and Bombay.

(4) The seats in the Legislative Council including those for special constituencies shall be reserved as follows :—

For Muslims	... 51 per cent.
For Hindus	... 27 per cent.
For Sikhs	... 20 per cent.
For Indian Christians	... 3 seats.
For Anglo-Indians and Europeans	... 1 seat.

It is proposed that the total number of seats for the Council should be 200. But whatever the number that may be finally fixed the percentage of the seats of the different communities shall be maintained as has been stated above.

(5) All the above clauses shall be inter-dependent.

#### SIND

1. It is agreed that Sind be constituted into a separate province enjoying the same measure of autonomy as other major provinces of British India with safeguards for minorities similar to those agreed to in the case of some other provinces, namely :

(i) that the Cabinet of the province will be jointly responsible to the Legislature and shall include at least one Hindu minister;

(ii) that measures of the character described in para 3 of the Punjab formula shall be subject to the procedure described therein ;

(iii) (a) The franchise qualifications shall be the same for all communities throughout the province, but they need not necessarily be the same in rural, urban and special constituencies.

(b) Consistently with the principle embodied in (iii) (a), an effort should be made to reflect the population of all the communities in the electorate as far as possible.

(c) There shall be joint electorates with reservation of 37 per cent. of the total seats ( including the special constituencies ) for the Hindus in the local legislature.

Provided that after ten years, if the Hindus so desire, the reservation of seats for the Hindus shall be on the population basis, but they shall have, in addition, the right to contest further seats.

(d) There shall be joint electorates in the local bodies or any representative body constituted by a statute and no reservation in favour of the majority community except as a result of any demand from the minority community for reservation on a population basis the minority community and the majority being determined in each local area according to population.

(e) The recruitment to Public Services shall be made by an impartial Public Services Commission, on which at least one-third shall be Hindus and 60 per cent of the posts shall be filled by open competition on the basis of merit alone, 40 per cent being reserved for redressing communal inequalities, and in filling up appointments, the Public Services Commission shall give preference to Sindhis and domiciled Sindhis.

(f) There shall be no discriminatory legislation or taxation and none shall be prejudiced merely by reason of his caste, creed or tribe in acquiring or enjoying civil and economic rights, including the right of owning, purchasing or disposing of landed estates in the open market and the freedom of choice of any profession or calling.

This will not affect any existing law in force in Sind.

Sir Shah Nawaz Bhutto and Prof. H. L. Chhablani be requested to recommend consistently with the principle enunciated above a definition of an agriculturist for any legislation which may be undertaken for the protection of agriculturists and their decision be accepted.

(g) The Judiciary shall be independent of the Executive by separating the Executive from the Judiciary.

(h) There shall be a Chief Court or High Court in Sind.

II. This agreement as to the separation of Sind is an integral part of the communal settlement concerning the whole of India and shall be deemed inoperative in case for any reason the settlement as a whole does not come into operation.

III. It is also agreed that a Conference of leaders of Sind be held by the end of January, 1933 to consider the question of appointment of a committee to investigate ways and means for making good the deficit as disclosed in the Brayne Report and to consider the question of placing the report of the Committee before the people as suggested by Prof. Chhablani.

The North-West Frontier Province shall have the same status and form of government and administration as the other provinces.

#### BALUCHISTAN

It is agreed that the benefits of a regular constitutional system of administration shall be extended to Baluchistan and the method of achieving the object would be considered hereafter by a sub-committee in consultation with the representatives of the Baluch conference with due regard to the interests of the minorities.

It is agreed that the various parts of this settlement are inter-connected and the entire settlement shall be regarded as one indivisible entity and shall be given effect to as a whole.

#### QAZIS

The Muslim proposal that provision be made for the appointment of Qazis for the disposal of cases regarding marriage and divorce among Muslims was brought up.

Mr. Bharoocha stated that the practice which obtains in Bombay relating to the hearing of cases of divorce among Parsis may meet the requirements of the Muslims.

It was agreed that the proposal and Mr. Bharoocha's suggestion be referred to a Committee of the following seven persons to consider and report on the question in all its bearings including the principle and property of constituting courts of Qazis separate from existing courts :—

(1) Dr. Kailash Nath Katju (convener), (2) Dr. B. S. Moonje, (3) Sir Hari Singh Gour, (4) Khwaja Abul Majid, (5) Maulana Abul Mohasin Mohammad Sajjad (6) Mrs. Hamid Ali and (7) Sardar Harnam Singh.

After the presentation of the Agreement *Maulana Abul Kalam Azad* in the course of a long speech traced the history of the unity movement and expressed the hope that the agreement that had been reached would be accepted by all the organisations as every effort had been made to accept the demands of all the communities.

*Mrs. Nuthu Lakshmi Reddy* of Madras moved an amendment requesting the committee to make it clear in the agreement that women possessed equal citizenship rights and that the word 'men', wherever it was mentioned, included 'women'.

She said amidst laughter that they knew from experience that even parents did not treat their sons and daughters alike. Under the Montagu-Chelmsford Reforms each individual province had to pass a resolution in the legislature for the grant of women's political rights. They further knew that compulsory education, wherever it was brought into force, was first made applicable to boys and even the rights of inheritance of women were unequal to men's rights. In the democratic and responsible government which, she believed, was going to be inaugurated in the near future and would be representative of all sections of the people, the definition suggested by her should be included to clear all their doubts and to throw open to women all professions and offices including the judiciary, where as jurors, women could be very helpful in arriving at a cool, calm and peaceful judgment. After giving a message of love and sympathy on behalf of the women's organisations, the speaker condemned the communal representation given to women under the Premier's Award and hoped the conference would accept her amendment.

*Pandit Gauri Shankar Misra* doubted if amendments could be moved at the conference. The president informed him that Mrs. Reddy was only making a suggestion for the acceptance of the unity committee.

Mrs. Reddy's suggestion was supported by Mrs. Sarala Debi Choudhrani and Mrs. Asaf Ali.

*Mr. Rajendra Prasad* expressed the hope that as the agreement in question was reached between all the communities, the Congress would also accept it.

*Sheikh Abdul Majid* in the course of his remarks suggested that branches of the Unity Conference should be started in every nook and corner of the country with a view to educate public opinion in favour of the pact.

*Master Tara Singh* trusted that the communal pact would completely change the atmosphere of the country and would bring about complete unity between all communities.

Among other speakers were Dr. Moonje, Mrs. Motilal Nehru, Maulana Hafizul Rehman, Mr. Deva Das Gandhi, Mrs. Goshi Ben Captain, Mr. S. Aney and Mr. Bharucha.

*Mrs. Sarala Debi Choudhrani* next moved the following resolution :—

"The conference places on record its high appreciation of the invaluable services rendered by the committee by its arduous labours and congratulates the country on the unprecedented measures of agreement so far reached by the committee on the outstanding communal problems."

The resolution was passed after it was supported by Mrs. Reddy and Rani Rajwade. The latter in the course of remarks added that the women in the States were praying for the success of the Unity Conference.

#### BURMA

*Dr. Syed Mahmud* next moved the following resolution :—

"The representatives of the Indian people assembled at an All-Parties Unity Conference, while reaffirming the previous decisions of the people of India that it is the inalienable right of the people of Burma to decide for themselves whether they will be made part of India politically or separate from her, offer their cordial congratulations to the people of Burma on their decision as expressed through the last general elections to the Burma Legislative Council and the vote of the Council not to separate from India and heartily welcome the decision as being in the best interests of Burma and India. The Conference feels confident that the relations of self-governing India and Burma will be thoroughly honourable and beneficial to both the peoples."

Moving this resolution *Dr. Mahmud* said that it was a strange coincidence that the great achievement of *Pandit Malaviya* in the cause of unity coincided with his 72nd birthday, which was to take place on the next day.

He added that the year 1932 witnessed three great events which would not only be recorded in the history of India but would also change the political conditions. They were the Poona pact, the unity agreement brought about by *Pandit Malaviya* and *Maulana Azad's* efforts and the failure of the Government to separate Burma.

The resolution was passed after it was supported by *Dr. Moonje*.

In the course of the speeches the delegates expressed their feeling of great admiration for *Pandit Malaviya* and *Maulana Abul Kalam Azad*, whose untiring efforts were principally the cause of the success of the unity negotiations;

The conference was then adjourned. The next session of the Conference was announced to be 'summoned after the result of the committee's meeting at Calcutta. In this connection Pt. Malaviya and others left Allahabad for Calcutta on the 26th. December.

## The Bengal Hindus' Conference

While the Unity Conference was being held in Allahabad, a conference of selected Hindu representatives from the different districts of Bengal was held in Calcutta on the 10th. December 1932 to consider the Allahabad agreement and the implications thereof. *Mr. J. N. Basu*, Liberal leader, presided. The president explained the political situation in the country following the Premier's Communal Award, and how the Allahabad proposals were mooted. He asked the conference to consider the proposals and give their representatives at the forthcoming Allahabad Conference a mandate on the subject.

Accordingly, a representative Bengal Hindus' Conference was held on the next day, the 11th. December, in the Indian Association Hall. *Mr. J. N. Basu* presided. In connection with the Allahabad Unity Conference a resolution was passed that on the principle that there would be no reservation of seats in the legislatures on a communal basis, the Bengal Hindus waived their objections to 51 per cent of seats being reserved for Moslems in the Bengal Council only, provided that the Hindus were given 44.7 per cent representation in the whole house and not otherwise, and on the following further conditions which should be treated as conditions precedent, viz., all reservations ceasing automatically after 10 years, irrespective of adult suffrage, both communities, however, working for the introduction of adult franchise and all election in Bengal taking place through joint electorate; and relevant safeguards embodied in the Punjab settlement be guaranteed to the Hindu minority in Bengal, and special constituencies cease automatically after 10 years including special constituencies for Europeans also.

The Conference also resolved that the province be redistributed on a linguistic basis and all Bengali-speaking tracts be brought within the province and the resolutions adopted at the conference be mandatory on delegates from Bengal.

Eighteen delegates were elected for the Unity Conference at Allahabad. Representatives from all the districts in Bengal attended the conference.

### Bengal Hindus meet Unity Conference Representatives

This led to a serious deadlock and necessitated the adjournment of the Unity Sub-committee at Allahabad on the 15th December. A deputation consisting of *Dr. Vijayaraghavachariar*, the President and *Dr. B. S. Moonjee* came to Calcutta to hold there a conference of the representatives of the Bengal Hindus and to make a way out of the impasse presented by them. Accordingly, the Bengal Hindus' Conference, comprising of representative Hindus, was summoned at Calcutta on the 18th. December. *Mr. Akhilchandra Dutt*, as president of the conference, called upon *Dr. Moonjee* to explain to the conference the mission which had brought them to Calcutta.

*Dr. Moonjee* explained at length what had transpired at Allahabad and why they had been deputed by the conference to Bengal to consult the Hindu leaders there. They had been entrusted with the duty of asking the Bengal Hindus to surrender two seats out of their quota under the communal award in order to make good 51 per cent seats to the Muslims.

*Mr. J. C. Gupta* then moved a resolution embodying *Dr. Moonjee's* suggestion which, however, fell through owing to want of support.

The conference then passed a resolution reiterating their former decision and making clear that no further seats should come out from the general and non-European constituencies to make up the Muslim quota of 51 per cent.

Opposing the resolution *Mr. Vijayaraghavachariar* made an appeal to the Bengal Hindus to save the situation and help the successful termination of the Unity Conference. He felt that the conference had really started the march towards unity and thought it their worth while to take this fact into consideration.

After the resolution had been passed, the *Secretary of the Sikh Rights Conference* placed the case of the Sikhs before the house and claimed one seat for the Sikhs in the Bengal legislature as they had got important business relations in the province and claimed special historical importance. He then moved a formal resolution to that effect.

*Mr. S. K. Roy Choudhury*, Secretary, Bengal Provincial Hindu Sabha, explained the difficulties involved in such a claim as there were many other and more influential minorities who could with greater force put forward such claims. It was open to the Sikh leaders to stand as candidates from the general constituencies and he assured that those who would be in charge of the elections would keep their claims in view in setting up candidates. The Sikhs thereupon withdrew their resolution.

#### Pandit Malaviya Meets Bengal Hindus

After the Allahabad Conference was over, Pandit Madan Mohan Malaviya, Maulana Abul Kalam Azad and other members of the sub-committee of the Allahabad Unity Conference met at Birla Park, Calcutta on the 27th. December and after a consultation among themselves met the representatives of the local Hindus. It was reported that the Bengal Hindu representatives reiterated the resolution adopted by the executive committee of the Bengal Provincial Hindu Sabha rejecting the Allahabad proposal which wanted to assure Muslims of 51 per cent of the total number of seats in the local Council irrespective of what might be left to the Hindus.

Subsequently, a representative conference of Bengal Hindus, attended among others by the hon. Mr. B. P. Singh Roy, Minister, and several members of the Bengal Council, discussed for five hours, on the 28th. December, the proposal of the Unity Conference concerning Bengal. The conference was addressed among others by Pandit Malaviya, Dr. Moonje, Mr. M. S. Aney and Babu Rajendra Prasad, who explained at great length the implications of the Allahabad Conference and appealed to them to find out a better proposal if the Allahabad proposals were unacceptable to them.

The discussion was heated throughout and a large number of speakers participated. Mr. Akhil Chandra Dutt presided. The conference was held at the Indian Association Hall. Among others Messrs. N. K. Basu, B. C. Chatterjee, T. C. Goswami and J. C. Gupta participated in the discussion. An adjournment motion to allow the conference to discuss the subject further was put to vote but was lost, although Pandit Malaviya had asked the house to accept it.

The conference adopted a resolution "declaring that they agreed to the granting of a statutory majority of seats to the Muslims in the provincial legislature for a temporary period of 10 years only provided both the communities would jointly fight for the reduction of the undue and unjust weightage given to Europeans in the award to enable a statutory majority for the Muslims and seats to the Hindus according to the population basis and on the conditions mentioned in the Bengal memorandum to the Unity Conference.

"In view of the fact that the Muslims are unwilling to agree to the terms previously set forth and are asking for a surrender of Hindu seats even before the joint fight is put up and in view of the alterations made in the previous decisions of the Unity Conference Committee regarding the proposals about the army and the judiciary which are undemocratic and dangerous, the conference declared that no useful purpose would be served by proceeding with negotiations further at the present stage and further declared that the Bengal Hindus are prepared to strive for constitutional advance on non-communal national lines only. The conference further resolved to appoint a committee consisting of Messrs. Ramananda Chatterjee, B. C. Chatterji, J. C. Gupta, P. N. Tagore, N. R. Sarkar, Akhil Ch. Dutt and others to discuss with the Committee of the Unity Conference, the Muslims and other communities and to consider and devise means to solve all problems regarding Bengal and other matters of vital importance consistent with the principle of the resolution adopted already and the committee will report to this conference."

An objection was raised regarding the consistency in adopting the second resolution in view of the first resolution, but the President ruled it out.

UNITY SUB-COMMITTEE MEETING

In view of the above resolution, the members of the sub-committee of the Allahabad Unity Conference met again at Birla Park, on the 29th. December, the members appointed by the Bengal Hindus' Conference. The two resolutions adopted yesterday at the Bengal Hindus' Conference were read out and several members of the Unity Conference Sub-Committee thought that in view of the adoption of such resolutions it was no use continuing to discuss the subject at least at the present moment. But in view of the second resolution appointing a committee to strive for a solution of all problems, the sub-committee came to the conclusion after some discussion that the committee of the Bengal Hindus' Conference would discuss among themselves and endeavour to find out whether some lines for the solution of the impasse created as regards the Bengal question would be found. The Bengal conference committee thereupon adjourned till the next day, the 30th. December, for discussion of the matter and the Unity Sub-Committee was consequently postponed until the 31st when the matter taken up.

The meeting of the Bengal committee was attended by almost all members of the committee and came to the conclusion after two hours' heated discussion that the president of the meeting be authorised to inform Pandit Malaviya that to carry on further negotiations as regards the Bengal question at least for the present moment would serve no useful purpose. It was reported that at the meeting appeals were made to consider the proposals further, but the majority did not find any reason in postponing the decision and hanging on the subject upon which, according to a majority, Bengal had clearly spoken.

BENGAL HINDUS UNDECIDED

The sub-committee of the Allahabad Unity Conference met, as programmed, at Birla Park on the 31st. December, and was attended, except for the absence of Maulana Abdul Majid Sindhi, by all the members of the Allahabad Unity Conference Sub-committee, the Bengal Hindus' Committee and also Khan Bahadur Abdul Momin, Mr. A. K. Fazlul Haq, Maulvis Abdul Karim and Shamshuddin. The following official account was given to the press :—

"The sub-committee of the Unity Conference met again at 3 o'clock this afternoon. Mr. Akhil Dutt informed the committee that the committee of the Bengal Hindus' Conference had been unable to arrive at any solution so far, but that the committee had finished their deliberations."

Pandit Malaviya thereupon proposed that the sub-committee be adjourned. After Mr. Mahomed Hussain, Mr. Fazlul Haq, Mr. Abdul Momin, Abdul Karim and several others had spoken on the proposal, it was resolved to adjourn the committee, in view of Ramzan, to Feb. 4, 1933. The president of the sub-committee was authorised to fix and announce the venue of the sub-committee later on.

**CONGRESS & CONFERENCE**

**JULY—DECEMBER 1932**





# THE HINDU SABHA CONFERENCES

## THE BENGAL PROVINCIAL HINDU SABHA

An emergent general meeting of the Bengal Provincial Hindu Sabha was held at Calcutta on the 14th. July 1932, Babu *Hirendranath Dutta* presiding. The following resolutions were passed :

"(1) The Sabha places on record its deliberate opinion that the Muslim Conference held at Calcutta on July 9 and 10 represented only a handful of Muslim communalists and that their claim to speak on behalf of the Bengal community was unfounded.

"The Sabha regards with grave disapproval the preposterous suggestion put forward by the said conference with a patronising show of generosity to the Hindus to allot the Muslims 51 per cent seats in the Bengal Council which in effect would reduce the proportion of Hindu seats to about 30 per cent.

"(2) The Sabha emphasises emphatic disapproval of the solution of the communal problem in the province put forward by irresponsible persons on the basis of an equal division in the legislature and the services and repudiates the claim of such persons to represent the Sabha or any section of the Hindus of the province.

"(3) The Sabha emphasises the fact that taking the numerical strength of the adult population of both communities, the Muslims are not in a majority and that from the standpoints of education, culture, sacrifice, wealth and the taxes paid they cannot bear comparison with the Hindus. Hence in any scheme of redistribution of political power, the Hindus may justly claim a superior position in the future government.

"(4) The Sabha endorses the manifesto issued last April by prominent Hindu leaders of all shades of opinion in the province and is prepared with a view to foster a spirit of national solidarity to support the resolution of the Bengal Presidency Muslim League demanding joint electorates with reservation of seats and insists that the communal question should be settled on the same basis for the whole of India.

"(5) The Sabha has read with grave concern the unconfirmed report circulated in the press to the effect that the Government of India have recommended the allocation of 117 seats to Mahomedans and 78 to Hindus in a house of 250 in Bengal on the basis of separate electorates. The recommendation, if in fact made or given effect to, will in the opinion of the Sabha be a blunder of the first magnitude, bringing into being a Muslim Raj in the province and inevitably leading to an aggravation of the communal trouble and the perpetuation of a state of grave internal commotion in the country and will inflict irreparable injury on Bengal. The Sabha will resist such a scheme if inaugurated to its utmost power.

## CALCUTTA HINDU CITIZENS' MEETING

A public meeting of the Hindu citizens of Calcutta was held at the Albert Hall on the 28th. July 1932, *Sir B. B. Ghosh* ex-judge of the Calcutta High Court, presiding. The meeting which has attended among others by Mr. B. P. Singh Roy, Minister, Local Self-Government, expressed its strong condemnation of the attempts that were being made in certain quarters to secure a statutory majority for a particular community in any province.

The President in the course of his speech said that it was his belief that those who were clamouring for communal electorates were really playing into the hands of the enemies of the progress of India. People who lived in the same country must naturally have common interests. Proceeding, he said : 'Before the reforms were brought into operation the Bengali-speaking districts lying at the boundaries of Bengal should be brought back to Bengal. It is certainly detrimental to the development of the people of those districts if they are placed among people who are alien in tongue and manners.'

*Prof. J. L. Banerjee* seconding the resolution which was moved by *Mr. H. N. Dutta*, said that the politics of the country had been crippled and impoverished of

late by a certain 'hush-hush' policy for which the Hindus were being asked not to offend the Mahomedans or the depressed classes or the Government or press for it even if truth demanded it. He apprehended that for such policy the cause of the Hindus might even go by default. The Hindus, he said, wanted to live in peace if they were allowed to do so, and they wanted to view the whole question from the point of view of homogeneous Indian nationalism.

Concluding, the speaker warned the Europeans living in the country that they were playing a dangerous game and playing with fire. If they thought that by backing Mahomedans they would be able to beat Hindus then they were ever to be disillusioned. If in Bengal the Hindus were made to suffer from the creation of an artificial minority, the result would not be good either for the British community or the rest of the country.

The following resolution was passed :—

'Any system of election to the future legislatures or local self-governing institutions of the country based upon communal electorates will be harmful to the best interests of the country and will in a special manner be subversive to the growth of a homogeneous Indian nationality which is the ideal and objective of all who are striving for political enfranchisement.'

## THE PUNJAB HINDU MANIFESTO

A number of prominent Hindu leaders of the Punjab issued on the 28th. July 1932 the following manifesto opposing the statutory communal majority of the Muslims in the province :—

"The British Government is to make their announcement regarding the communal award shortly. The Hindus of the Punjab are a very important minority in this province. From the movements of the various political gatherings so far held in England and in India, including the two Round Table Conferences, it has become now apparent that the Muslims in the Punjab are likely to secure their statutory communal majority in the Land of the Five Rivers. In other words, there will be a permanent Muslim Raj in the Punjab, which is opposed to all principles of modern day democracy.

"Thus there is a great danger ahead. The monster of communalism is again up to ruin the civic life of the people of this province. This danger must be faced forthwith and every lover of democracy must stand together to meet this great evil, which has already done so much harm to the cause of nationalism in this country.

"No reasonable man will object to the Muslims' having their legitimate share in the future government of India. But one feels indignant when he sees the Muslims of the Punjab demanding their representation according to the population in the Punjab and at the same time also demanding weightage in the other provinces, where they are in a minority. Every right-minded Hindu throughout the country has strongly condemned communal representation with separate electorates. The Hindus do not want communal representation or weightage in the provinces where they are in a minority. But if the Muslims insist, as they are doing day in and day out, on having weightage in the provinces where they are in a minority, as well as statutory communal majority in the Punjab, then there would be no course left for the Hindus but to oppose such a scheme or constitution tooth and nail.

"The time has now come when the Hindus of the Punjab should wake up and organise themselves. The Sikhs, who are another important minority in the Punjab, have bestirred themselves in the matter quite in time. Will the Hindus lag behind? It will be suicidal if they do so. The call of the hour is to organise, organise and organise. Let the Hindu leaders of all schools of political thought combine immediately and hold public meetings without the least delay, voicing their demand about their just and legitimate rights and raising their protest against the anticipated statutory communal majority of the Muslims in the Punjab. There would be no harm if the Hindus fall in line with their Sikh brethren and celebrate the 'Hindu Rights Day' on the 31st July next. If the Hindus want to celebrate the day separately they are welcome to do so. But if they want to celebrate it in co-operation with the Sikhs, perhaps that would strengthen the hands of the two important minorities in the Punjab. Whatever is to be decided must be decided at once. There is no time to lose. This appeal is being issued to all the leading Hindu politicians in the province with the earnest request that they should at once organise themselves. It is hoped that this appeal would not go

in vain. The Hindus will demonstrate that they are also a living community in the Punjab and are determined to oppose with all their might the statutory communal majority of the Muslims in the Punjab."

### THE LAHORE HINDUS' MEETING

The Hindus of Lahore mustered strong on the 31st. July 1932 in the Lajpat Rai Hall to protest against the proposed establishment of a statutory majority in the Punjab Legislature, Rai Bahadur Bakshi Sohan Lall, advocate, presided. Several speeches were made and a resolution passed protesting against the introduction of communal representation and electorates in the Punjab, recommending the introduction of joint electorate and joint representation and warning the British Government of the 'serious consequences of introducing a fixed communal majority in the Punjab'.

The meeting further resolved that if Mahomedans were given weightage in the provinces where they were in minority, the Hindus also claimed weightage in the provinces where they were in minority.

### THE DELHI HINDU REFORM CONFERENCE

The Delhi Provincial Hindu Reform Conference was held at Delhi on the 7th. August. Mr. Ramlal Verma, editor of the "Tej" and Chairman of the Reception Committee, welcoming the delegates, asserted that religion was made for men and not *vice versa*. The basic principles of religion were always the same in every age, clime and country. They were unalterable. Customs and usage had no essential connection with religion, but were concerned with the temporal and secular needs of society and must change with it, and a religion that stood in the way needed reform. It was inviting death to refuse to yield to the forces of change. Mr. Verma attributed the fall of Hindu society to the disintegration into sects and classes caused by blind faith and stupid orthodoxy. Hinduism, as a universal religion, was tainted with the blot of "untouchability." He urged upon the Hindus the need for discarding the caste system and "untouchability". This fact was taken advantage of by others. Dr. Ambedkar's activities were the danger signal. He characterised Dr. Ambedkar's demands as an attempt to disintegrate society. He concluded that they could help political liberation by devoting their time and money to social uplift.

Swami Satyadev Paribrajak, President of the Conference, dwelt on the strength of Hindus in numbers citing Italy, Germany and other countries. He urged the welding of the 23 crores of Hindus by eradicating "untouchability." The Sikhs and Buddhists—all were Hindus. If Hindus could only give up false pride and prejudice, they could be powerful. Without unity, Swaraj was impossible. He appealed to all Hindus, who were the soul and centre of India, to give up prejudices and by ridding society of all evils and by giving up all selfish interests to work for a greater India.

#### RESOLUTIONS PASSED

The following resolutions were adopted by the Conference :—

"(1) In the opinion of this Conference one of the greatest causes of deterioration and decline of Hindu society is the idea of caste by birth, which has resulted in the disintegration of Hindu society into thousands of different social groups and the spread of the curse of "untouchability not only among the Sudras, but also among caste-Hindus. This conference, therefore, appeals to Hindus to rid themselves, as early as possible, of the evil of caste and "untouchability." The Conference suggests inter-dining and inter-marriages among the different castes and sub-castes of Hindu society.

"(2) The Conference maintains that the so-called "Untouchables" and Depressed Class Hindus have equal rights in respect of the use of public wells and other public places and roads as other Hindus. The Conference recommends that the ordinary public schools should be open for admission to the children of the so-called untouchables and is definitely of the opinion that the policy of "mixed schools" for the education of these classes is the right one. The Conference upholds the right of "untouchables" to have free admission into all Hindu temples and places of public worship for dev darshan.

"(3) In the opinion of this Conference, the chief cause of the physical deterioration of the Hindus and existence among them of a large number of child widows, is the evil custom of early-marriage. The Conference, therefore, strongly appeals to all Hindus to give up early marriages and to observe the age limit as laid down in the Sarda Act at least. The Conference recommends that vigilance societies be established at every place to see that the Sarda Act is enforced. Wherever these societies exist, every effort should be made by the public to co-operate with them and thus strengthen the hands of these societies.

"(4) The Conference is of the opinion that joint electorates are in the best interests of the "Depressed Class Hindus", and that separate electorates would greatly hinder the social and political progress of these classes and would widen the gulf between them and Caste-Hindus.

"(5) The Conference suggests that all social organisations and institutions of Hindus in the Delhi Province should act in concert, and with that end in view, a central body should be formed under which all such organisations should work."

## THE HINDU MAHASABHA WORKING COMMITTEE

The Working Committee of the Hindu Mahasabha held its sittings at New Delhi on the 20th & 21st. August to consider the communal award. It strongly condemned the award on the following grounds :—

"It manifestly favours one party over the other.

It creates fresh separate electoral constituencies for the depressed classes, women, Christians and Anglo-Indians.

It introduces an unalterable communal ascendancy in the Punjab and Bengal by granting reserved seats through separate electorates to the majority community of Moslems.

It has, increased the already liberal weightage of Muslims in Behar, Madras, Bombay, the Central Provinces and Assam at the expense of the depressed classes which should have got weightage according to the Raja-Moonje pact.

It has, instead of protecting the rights of all minorities alike, robbed the Hindu minority in the Punjab and Bengal of its representation in proportion to its population, whilst allowing the Muslims weightage in all provinces in which they are in a minority.

It has been unjust to the Sikhs of the Punjab who in view of their importance in population must be given if not more at least the same weightage which the Muslims have been given in the province where they are in a minority.

The working committee strongly protest against the reference in the award to the separation of Sind; that the sub-committee of the Round Table Conference which recommended separation did not contain a single Hindu representative; that the recommendation of the sub-committee was strictly conditional on Sind being able to be financially independent. It expressly laid down that if Sind could not pay, separation could not exist. Subsequent enquiries show that Sind cannot pay. The policy of subvention by the central Government to the provinces which are not self-supporting is highly unjust to the general tax-payer.

The working committee of the Hindu Mahasabha, therefore, has no alternative but to strongly urge on all Hindus to resist the imposition of this disgraceful and inequitable award by every means in their power and to this end calls upon the Hindus to go through the ordeal of sacrifice for just rights and principles.

The committee also considered the situation in Alwar and Jaipur and felt that the situation in the former was satisfactory. In regard to Jaipur the committee suggested addressing a letter to the Maharaja asking for the results of the Hindu-Moslem dispute at Ramgarh.

## THE PUNJAB HINDU CONFERENCE

The Punjab Hindu Conference under the auspices of the Arya Swaraj Sabha, convened to discuss the communal award and the future course of the Hindus, was held at Lahore on the 21st. August.

Lala Dunichand of Ambala, presiding over the Conference said :—"It is my conviction that separate electorates will not solve the communal question but on

the other hand sharpen the communal consciousness which is already sapping the body politic in India. The effect of the award will be to make both nationality and democratic Swaraj impossible. I can see only one good point in the award, namely while the depressed classes have been assured a certain number of seats, they have not been separated from Hindus. I must say that if they had not been assured a certain number of seats, it would have been very difficult for them to enter the provincial councils.

The virus of communalism has been carried even into the harem and the serana though the two representatives of women at the Round Table Conference had expressed themselves against communal electorates. The only course under the circumstances open to the people of India aspiring to become a united nation is to refuse to drink the poisoned cup of communal electorates, for, if you accept them once as an essential part of the constitution, your country will be doomed for a long time to come. Concluding, Lala Dunichand condemned the Punjab Alienation Act, advised young men to take to industries, deprecated the ill-treatment of prisoners in jails and reiterated faith in non-violence and truth.

#### RESOLUTION PASSED

After ten hours' session the conference passed the following resolution unanimously :

"1. Whereas in the considered opinion of 'representative Hindus of the Punjab the communal award given by the Premier as a decision of His Majesty's Government is, besides being extremely unjust and unfair to the Hindus inasmuch as it makes the predominant majority of Hindus all over India insignificant, destructive of all principles of nationalism, antagonistic to the best interests of India, being based on religion as a factor in politics, and a great menace to the peace of India. Moreover, as in particular with reference to the Punjab, it is bound to lead to Muslim aggrandisement and communal bitterness and reduce the Hindu and Sikh communities to a permanent position of statutory inferiority. It declares the same wholly unacceptable and calls upon the Hindus to make every effort to have it abrogated and make a common cause, if and when possible, with the nationalist elements of other communities to have it replaced by a constitution based on joint electorates with necessary safeguards for the rights of the minority.

"2. As the necessity of the establishment of an organization with a view to protect, promote and advance the political and economic interests of the Hindus and defend and strengthen the Hindu civilization including protection of their numerical strength in the province has been felt for a long time as a great desideratum, this conference of representative Hindus of the Punjab decides to start a national Hindu Sabha in the Punjab and appoints a committee to draw up a scheme of its constitution and work."

The mover of the second resolution said that the existing Hindu Sabha was a dormant body and a live Hindu political organization was necessary in the Punjab.

#### THE BENGAL PROVINCIAL HINDU SABHA

Condemning the communal 'award' the Bengal Hindu Sabha, held at Calcutta on the 21st August, opined that the Bengal Hindus could not cooperate and work the constitution on the basis of the award for the following reasons :—

"1. By it Hindu interests have been injured. To make room for the excessive representation of other communities Hindus have been made to lose even in a province where they are numerically in a minority, though their education, wealth, contributions to the state, public work and sacrifices entitle them to weightage, whereas other communities have been given the same.

"2. The award seems to be based on no principle ; rather, it is based on the principle that in Hindusthan every community except the Hindus is entitled to favoured treatment. In Bengal the unfairness is apparent from the fact that all minorities have been given seats beyond their legitimate proportion while the Hindus, who are entitled to 38.5 per cent. have been given only 32 per cent.

"3. Though there are no depressed classes in Bengal in the sense the word is used elsewhere, yet they have been allotted 10 seats.

"4. Separate electorates and reservation of seats, specially for majority communities, have been condemned by the authors of the award at the first R. T. C. as the

very negation of nationalism and inconsistent with all known canons of democracy and yet these very things are sought to be perpetuated in India.

"5. The award has made impossible a Hindu-Muslim rapprochement. The past working of separate electorates has shown that they are responsible for the frequent riots ; yet, the old system has been continued in a more aggravated form."

"6. Though Hindu and Muslim representatives in the Bengal Council recently decided in favour of joint electorates for the Council and local bodies, yet the British Cabinet have decided against joint electorates."

"7. The Sabha calls upon the Hindus to organise themselves and take steps to have the award set aside just as the settled fact of the partition of Bengal was unsettled."

## The All-India Hindu Mahasabha

The 14th. annual session of the All-India Hindu Mahasabha opened in the Sangam Theatre, Delhi, on the 24th. September. Amongst those present on the *dais* were Dr. Moonje, Raja Narendranath, Prof. Radhakumud Mukerjee, Rai Bahadur Sewakram, Dr. T. Hingorani, Mr. Mukat Beharilal Bhargava, Mr. Ashotosh Lahiri, Mr. Chandkaran Sarda, Mr. N. Banerji, Mr. Ramanand Chatterji, Mr. Mukundlal Puri, Lala Shriram and Mr. Chandulal. The proceedings commenced with prayers and the unfurling of the Hindu Sabha flag by Mr. Kelkar.

### LALA SHIVNARAIN'S WELCOME ADDRESS.

*Lala Shivrarin*, Chairman of the Reception Committee, in the course of his address welcoming the delegates said that the recent Communal Award announced by the Premier Mr. MacDonald, besides being open to various objections, could not be acceptable to the Hindus, for the simple reason that it was calculated to create a gulf between the so-called Caste-Hindus and the mis-called Depressed and "Untouchable" Classes. The Award entirely disregarded the views expressed by the Hindu leaders and set at naught the well-known Raja-Moonje Pact. The Award was again unacceptable inasmuch as it had disregarded the wishes and views of the Hindu community in general, as expressed in the resolution passed at the open session of the All-India Hindu Mahasabha in April 1928, and since confirmed year after year.

### The Presidential Address

In the course of a remarkable and learned presidential address, *Mr. N. C. Kelkar* said :—

"Non-cooperation with the Legislative Council by the Hindus would not only be futile but suicidal. So long as no parallel Government is established the boycott of Councils by the Hindus would be a self-imposed injury for which there is no justification. The position of Hindus is also very pitiable, even such as it is. And the boycott of Councils by the Hindus would only make it worse."

Proceeding, he said, that his first words of comment on the communal award would be that it was not the award of an arbitrator but simply a decision by the British Government arrived at on its own responsibility, like any other administrative decision. In this connection he reminded the house that the Hindu Mahasabha as an association was not called upon to send any delegates to the Round Table Conference and hence they might legitimately feel themselves not bound by the Cabinet decree of Aug. 17. He also asserted that for the communal award and the policy underlying it, which they had now issued on the supposed eve of a new era of reforms, the Government themselves were alone responsible.

Referring to the Round Table Conference communal negotiations, Mr. Kelkar said that the Government knew in their heart of hearts that no agreement would be arrived at, and they took pretty good care from time to time that agreement should be made almost impossible.

'Openly, as well as secretly, they showed partiality to the minorities, and specially the Mussalmans among them, and the minorities were consequently inspired or encouraged to set up a higher key to the tune of their communal demands'.

Mr. Kelkar said agreements were not possible when a dominant and interested third party kept the strings of patronage in its own hands.

Mr. Kelkar felt that the Government could have explored other methods for the solution of communal problems. If, for instance, the Government had really cared for a common agreement they should have said to the communities that they would not disturb the Lucknow Pact except by another pact similarly agreed to.

'But if both the parties were found unwilling to abide by the pact then the Government instead of putting forward a bogus offer of accepting the solution only by agreement might have taken the matter in their own hands and applied the principles which the League of Nations, for instance, had successfully applied in solving the problem of European minorities in their charge.' In what he calls the impeachment of the award Mr. Kelkar said that its provisions had perpetrated injustice to the Hindu Minorities alone, both in Bengal and the Punjab.

'It was obviously the result of a secret partiality to certain minority communities and the desire also to cripple, as far as possible, the Hindu community which in the opinion of the Government had been evincing perhaps unpleasant or excessive political activity and national consciousness in this country. Broadly, the object of the Government seems to be to make it impossible for the legislature in any province to effectively control the Executive administration. Groups may be set up against group. Patronage would do its destructive work. The foreigner would be able to manipulate the sea-saw of political power so that the resulting profit of its position would always fall in his own lap. Surely a civilised Government like the British cannot be said to have realised and fulfilled its responsibility in laying down the foundations of political state and a democratic government by such an award.' Mr. Kelkar after reviewing the history of communal negotiations said that their result was the present award. 'Our Muslim friends are very shrewd businessmen and tacticians and even when the award is so favourable to them they have kept up a pretence of dissatisfaction.'

Mr. Kelkar did not think that there was any hope of any further negotiations inducing the Mussalmans to give up any point of advantage that they had won. Not that the Hindu leaders lack the skill required for negotiations, but either party regarded every gesture for further negotiations as a sure evidence of the weakness of the Hindu community and at once pitched its demands to a higher key. The apparent weakness, however, of the Hindu community proceeds from no other real cause than their inner urge to secure or wrest power from the Government. And in Hindu-Muslim cooperation they fancy they will get an unfailing weapon to wage war with the Government to success. To a certain extent this view is valid, but it can easily be pushed beyond responsible limits. And this in my opinion is being actually done for some time past.

The Indian National Congress has now found to its cost that the Hindus have been exclusively shouldering the burden of political agitation to such an extent that the Congress is being dubbed by its opponents as a Hindu Congress. And into the bargain the Congress has lost the cooperation of certain prominent Muslim leaders which was an appreciable feature in the Congress-cum Khilafat movement ten years ago. What a heart-rending tragedy must it have been for the Congress leaders like Mahatma Gandhi and Pandit Motilal Nehru to find themselves denounced as the enemies of Mussalman aspirations, when their whole being was practically devoted to securing justice to them.

Proceeding, Mr. Kelkar referred to the Legislative Councils under the new constitutions and said that he had a clear idea as to how wholly unsatisfactory their constitution would be. He could see that its body would be divided into so many groups that a strong Nationalist opposition to the Government would be almost out of the question for some time to come. He, however, felt that if real provincial autonomy was introduced, a non-official ministry would have to take over the whole administration from the hands of the officials. This would automatically lead to cooperative common action between the different groups. The balance of powers would be sensitive and delicate. But that itself might act as a guarantee against measures or policies being rushed headlong through the councils. It is possible, therefore, that in the course of time economic policies based on material, non-sectarian interests may be developed.



Mr. Kelkar asserted that for good or evil democracy had come to stay in this country. 'From the supreme legislature to a village *panchayat* there would be one uniform system of people being called upon to pay taxes, vote for representatives in constituted bodies and to get what best they can out of their hands by way of good government. What hope, therefore, remains both for the impatient and the plodding idealist is, to take up the work of educating the ultimate voter in his own hands and to inspire him with idealistic sentiments.'

Under the heading of 'educating the masses', Mr. Kelkar urged that seats in the future legislatures should be filled, as far as possible, by men who understood their work and who might be trusted to keep watch and ward over the administration from the point of view of national interests. 'Hindus might, no doubt, feel hurt at this palpable injustice done to them by the Government in the communal award. But I do not understand how they can remedy matters by simply boycotting the Councils but loyally obeying their laws and decrees outside the Councils. It is a fallacy to suppose that to work under any constitution is to work the constitution. In my opinion, therefore, default will be a big blunder even with the present communal award remaining intact. All other communities will be represented by their typical leaders in the legislatures. The Hindus will lose at every point if they do not send their representatives also to guard their communal interests as well as to guard against anti-national interests in the legislatures.'

'Of course the Hindus should ever make common cause with the other communities in demanding Swaraj and trying to wrest political power from the Government in as large a measure as possible, but the Hindus as Hindus should only go as far as the major minority communities will be prepared to go by way of actual non-cooperation. The Hindus as the largest unit in the community in India and as staunch adherents of the cause of Swaraj may try to give from time to time a lead to the other communities in putting up a fight against the Government. But the Hindus as Hindus should never detach their community alone from participation in the actual work even within the Councils, while the other minorities will be taking the fullest advantage of the constitution.'

## SECOND DAY—DELHI, 25th. SEPTEMBER 1932

### Proceedings and Resolutions

The Sabha re-assembling on the next day, the 25th. September, Mr. Kelkar, the President, read a telegram from Pandit Malaviya and Mr. Jayakar, giving briefly the terms of the Poona settlement, and strongly urging the ratification of the same by the Maha Sabha.

### RESOLUTION ON GANDHI'S FAST

The following resolution thereafter was moved by Mr. Aney and after it was supported by Mr. Shiv Narain, it was adopted unanimously:—

"The Maha Sabha is delighted to learn that a settlement has been reached between the leaders of the so-called Depressed Classes and Caste-Hindus at Poona, and a summary of the same has been cabled to the Premier for an immediate announcement of its acceptance to enable Mr. Gandhi to break his fast.

"The Maha Sabha congratulates the leaders of all the parties concerned and all the more so, Mr. Gandhi himself, on the successful termination of the negotiations.

"The Maha Sabha is very much concerned at the report of the state of Mr. Gandhi's health issued by Dr. Gilder, and most earnestly prays Almighty God to grant Mr. Gandhi strength to bear the heavy strain caused by fasting and negotiations alike.

"The Maha Sabha calls upon the Government to dispense with the proposed procedure of consulting Provincial Governments in the matter, as public opinion in every province has already asserted itself in unmistakable terms in favour of any settlement, that may be arrived at, to save Mr. Gandhi's life. The Maha Sabha hopes that the Government of India will not delay in transmitting the whole settlement by cable with their approval of the same, and urging on the Premier to alter the Award accordingly and make the necessary announcement immediately."

### RE. CLASSIFICATION OF DEPRESSED CLASSES.

The following resolution was moved by Mr. Ramananda Chatterjee:—

"That with regard to representation of the Depressed Classes in the legislatures,

committees of enquiry, including representatives of castes classified as "depressed" be formed in each province to ascertain which of the castes should be taken as "depressed" and their numerical strength in population. In case any caste came out of the category of "depressed," there should be a proportionate modification of the seats allotted to these classes."

Mr. Ramananda Chatterjee said that those opposed to the progress of India were consistently making efforts to increase the number of Depressed Classes. Caste Hindus ought to leave no stone unturned to maintain intact the solidarity of the Hindu community. The only panacea for this was to wipe out the stigma of untouchability.

#### RESOLUTION ON COMMUNAL DECISION

The following is the full text of the resolution regarding the award which was passed :

"This session of the Hindu Mahasabha unreservedly condemns the communal decision of the British Government on the following grounds :—

"(1) That it has given statutory sanction to separate communal electorates against all canons of democratic, responsible and representative Government which the British Government are pledged to establish in India and that it belies the Premier's own declaration in the Commons in January 1931.

"(2) That it flouts the unanimous opinion of the vast Hindu community and Sikhs, of important sections of Moslems, Christians, and Depressed Classes, and also of the women of India in favour of joint electorates.

"(3) That it provides for differential treatment of the minorities, favouring Moslem and European minorities, in that (a) it adds an artificial arbitrary weightage in representation to the Moslem minorities; (b) it reduces representation of the Hindu minorities in Bengal and the Punjab below what they are entitled to on the basis of their proportion to the population; (c) denies to the Sikhs the weightage in representation which it grants to the Moslem minorities under the similar conditions; (d) grants to European and Anglo-Indian minorities weightage in representation grossly out of proportion to their strength in population; and (e) destroys the communal equipoise of the Lucknow Pact endorsed even by the Simon Commission.

"(4) That the Government in granting statutory predominance to the Moslem Minorities, are establishing communal despotism by statute.

"(5) That the Communal decision is not the award of an arbitrator to which the parties concerned are committed, but a decision of the British Government.

"(6) That as regards an agreed Indian solution of the communal problem it be pointed out (a) that the problem was at its origin, the creation of the Government, and (b) that its solution was being obstructed by conditions created by the Government, such as, the exclusion of Nationalist Moslems from the R. T. C., and the publication of the Government of India's despatch practically conceding in advance all the fourteen points claimed by Moslems.

"(7) That if the British Government are sincerely anxious for an agreed solution, we declare, on behalf of the Hindus, that we propose in the place of their award, an international communal award as embodied in the Minorities Guarantee Treaties to which His Majesty's Government and the Government of India are already parties and signatories, and which in Mr. Henderson's words "now form part of the public law of Europe and the world", guaranteeing full protection to the minorities, linguistic, educational, cultural and religious but not through communal electorates and reserved representation; and the Hindu Mahasabha invites all other communities, Sikhs and Nationalist Moslems, to stand for the international award, as an agreed solution of the communal problem formulated by the highest arbitral body of the world."

Mr. Radhakumud Mukherji, moving the resolution, maintained that it split up the Indian body politic into so many fragments that the whole was lost in the parts. The authors of the Award were out to build up the Indian constitution not on the basis of democracy to which they were pledged, but on entirely new foundations, which in the Premier's own words rendered impossible the growth of national political parties. The Premier, as the head of the Labour Government, condemned communal electorates and all its broods, such as, reservation of seats and weightages, and yet had gone back on his principles, as the head of the National Government and as a mere mouthpiece of the Conservatives.

The speaker then asserted that their salvation depended on a bold and unbending stand for democracy, pure, undefiled, undiluted by those discredited devices which found no place in any modern constitution. He concluded that they should stand unreservedly for an international Communal Award embodied in the Minorities Guarantee treaties to which both England and India were committed as parties.

Dr. Moonjee, winding up the discussion, said that the Maha Sabha stood committed to the Moonjee-Rajah Pact. But Gandhiji's fast had made every responsible leader of the community to reach an agreement with the Depressed Classes at all costs in order to save Gandhiji. This had now been reached. He informed the House that the Maha Sabha stood by reservation of seats and none had so far suggested anything against that system.

In regard to the complaint that the Mahasabha had given no lead, Dr. Moonjee referred to the provision in the resolution which stated that "in case the Communal Award is not suitably modified, the Hindu Sabha calls upon the Hindus to take all steps necessary both in the legislatures and outside for frustrating the object of the Anglo-Moslem alliance on which the Award is based and directs the Working Committee to prepare a programme of work to give effect to it." This, he claimed, as the lead the Mahasabha was giving to the country. He urged the Hindus to trust the Mahasabha and regard them as the defenders of their faith.

#### SIND SEPARATION

The Mahasabha next adopted a resolution against the separation of Sind, after it had been proposed by Mr. Viromal Begraj and supported by Dr. Hingorani.

Mr. Ramanand Chatterji opposed it on the ground that Bengal would have to pay for the Sind deficits.

The Mahasabha then adopted a resolution protesting against the forfeiture of certain non-political religious institutions.

#### THE KASHMIR AGITATION

The resolution on Kashmir warned the British Government against the evil consequences of carrying the Anglo-Moslem alliance so far as to allow Hindu subjects of the Hindu Prince to be put in a position far worse than that of the similarly circumstanced Moslem subjects of a Moslem Prince.

#### OTHER RESOLUTIONS

The Committee was directed to prepare a scheme for holding a conference in India of representatives of the Sanatan Aryan culture both of India and of countries, such as, Japan, China, Siam, Ceylon, etc., in order to revive the feeling of their fundamental unity and mutual relationship.

The Mahasabha urged that a Hindu Youth Committee be organised, to organise training on military lines in order to prepare for the defence of the country.

The Mahasabha adopted a resolution on Swadeshi appreciating the efforts of the "Buy India League" and urging Indians to pledge themselves to buy Swadeshi articles only, and especially hand-woven and hand-spun cloth in order to relieve unemployment.

The Mahasabha deplored the communal riots in Jaipur State and authorised the Working Committee to appoint a deputation to wait on the Maharaja of Jaipur, and the Raja of Sikar to bring the grievances of the Hindus to the notice of their Highnesses.

The session appointed a committee of enquiry to ascertain the actual facts of the situation in regard to the complaints of Hindus in Bhopal, Hyderabad, Rampur, and Bahawalpur, especially in respect of recruitment to the services, the observance of religious practices, and facilities for education.

The resolution on "untouchability" was reiterated, urging Caste-Hindus to throw open temples and places of worship to "untouchables" and allow them equal rights with other Hindus in the matter of worship.

Lastly, condolence resolutions on the death of the Prime Minister of Nepal, Mr. R. V. Mahajani and Mrs. Bhai Permanand, were adopted.

A resolution, regarding the boycott of British goods was disallowed by the Chair. The session was thereafter dissolved.

## The Bengal Provincial Hindu Conference

In his presidential address at the seventh session of the Bengal Provincial Hindu Conference held at Malda on the 17th. September 1932, S. J. Ramananda Chatterjee said :—

"The Hindu Mahasabha has from the very beginning stood for a full democratic and nationalistic constitution for India, based on the formula evolved by the League of Nations for the solution of the minorities problem. While safeguarding the linguistic, religious, cultural and social interests of a minority population in a State, the League has nowhere sought to create a State within a State by providing for them separate electorates, reservation of seats and such other political devices calculated to make for the disintegration of national solidarity. India had joined hands with other members of the League in drafting this formula and in finally ratifying the same. But it is an irony of fate that when her own turn came, an attempt was made to solve her problem along these lines. Evidently, the British authorities want to treat India as being outside the pale of International Law and as such, all that is antagonistic to nationalism and democracy must be deemed to be just and proper for her. We must not accept this preposterous assumption on their part and must resist to the utmost all attempts to foist these anti-nationalistic and anti-democratic arrangements on us. I leave it to you to decide how best to do that."

Referring to Mahatma's determination to fast himself to death, S. J. Chatterjee said, judged from the moral stand-point no exception could be taken to this step, although in some influential quarters it had been characterised as a form of coercion for the purpose of bringing round to his point of view those who might be opposed to him. History recorded countless instances in which patriots had laid down their lives as a sequel to armed rebellions for securing and preserving intact the freedom of their respective countries and also for defending their religion. Mahatma's latest decision, said S. J. Chatterjee, was an attempt in the same direction, only differing in method. Instead of inflicting any loss or injury on his opponents, he had decided to take recourse to self-immolation in the faith and hope that the cause dearest to his heart might thereby achieve success. It was, of course, open to discussion how far this decision was likely to lead to success of his mission. Personally speaking, S. J. Chatterjee did not believe that the British Government would change their award out of regard for the unique personality of Mahatma, but it was quite probable that they might be disposed to do so if they were made to feel that the self-immolation of the Mahatma on this issue would be followed by an upheaval all over the world which it would be impossible for them to face. For, even in British politics, as in those of other countries, there was nothing like a "Settled Fact", protestations of the Britishers notwithstanding.

Proceeding, S. J. Chatterjee said that the time had come when Hindus should put more stress on common worship and other aspects of religion in order to promote their solidarity and on affording equal opportunities to all Hindus, irrespective of caste, to join these religious ceremonies. The progress which the Hindu community has already made in this direction justified optimism for the future, but its rate ought to be accelerated. The form which the religious and social revolt of the lower caste Hindus was taking in some parts of India would be fatal to the Hindu community, unless the Hindus themselves acted promptly. Attempts had been made in the past and they were being made to-day, to detach the lower caste Hindus from the great body of Hinduism. Mahatma Gandhi, the greatest of Hindus, had decided to offer himself as a sacrifice to prevent this calamity. His example should awake all Hindus to a sense of their duty.

Referring next to the terms of the Communal Award, which were characterised as anti-national and anti-democratic, S. J. Chatterjee said that they could force the Hindu Community into accepting any form of constitution, however much it might be detrimental to the best interests of the latter. "Even our long subjection to British domination", said S. J. Chatterjee, "has not succeeded in crushing the human instincts in us. And we Hindus, will resist, to the last ounce of our energy any attempt, to relegate us to a state of things in which we would be, for all time to come, in the position of a statutory minority. This is against all canons of democracy."

Proceeding, S. J. Chatterjee said even assuming that the Hindu population in Bengal, minus of course the Bengali-speaking districts and sub-divisions which had

been arbitrarily detached from her and added to Assam and Behar, was less numerically than the Muslims, should numbers be the only thing to be taken into account? The total population inhabiting the British Empire was about fifty crores out of which India accounted for thirty-five crores. But, for that reason, would the British Cabinet agree to invest the Indians with the supreme control over the affairs of the Empire?

Continuing, S<sup>r</sup>. Chatterjee said the fact that Bengal enjoyed the premier position in the whole of India in almost every sphere of life, including literature, higher culture, scientific researches, and industrial ventures,—was due entirely to the achievements of the Hindus. The largest contribution to the provincial exchequer came from the Hindus and it was due entirely to the sustained political agitation carried on by the Hindus of Bengal that the Government felt called upon to grant a constitution with wider powers to popular representatives. But in the face of these indisputable facts, the Government had now come forward with an award whereby the representatives of the Hindus who would contribute most by way of revenues to the Government's coffer, would be deprived of any effective voice in their disbursements. "That would be a peculiar pattern of self-determination and Swaraj," said S<sup>r</sup>. Chatterjee, "and it must be the endeavour of every Hindu worth his salt to see that such Swaraj is not established in Bengal."

S<sup>r</sup>. Chatterjee emphasized the necessity of carrying out a comprehensive programme of social reform in order to eradicate the evils which were a source of weakness for the Bengali Hindus. Among those, he singled out the dowry system, child-widowhood, illiteracy of women, crimes against womanhood in Bengal, and the decline of the Hindu peasantry and artisan classes. He pointed to inter-caste marriage as one of the possible solutions of the dowry system, and urged stronger measures and greater energy in dealing with the evil. He suggested to the Hindu Mahasabha to popularize ancient Indian literature and archaeology.

#### Resolutions Passed

"This Conference expresses its sense of consternation and uneasiness at the adoption of a vow of fasting by Mahatma Gandhi in consequence of the invidious move of the Prime Minister to undermine the solidarity of the Hindu Community by dividing the community into different sections.

"In order to induce Mahatma Gandhi to abandon his vow of fasting, this Conference call upon the Hindus of all sections to forthwith do away with all differential treatment towards the Depressed Classes and to give them complete equality of rights in religious and social matters.

"This Conference appeals to the so-called Depressed Classes not to demand representation on the basis of separate electorates in the coming constitution and affirms its adherence to the Raja-Moonje Pact and its readiness to concede representation to the Depressed Classes according to their population strength through joint electorate even if it means surrender to them of majority of seats allotted to the Hindus.

"This Conference further thinks it desirable to constitute a special Committee consisting of some members of the Bengal Provincial Hindu Sabha and the elected representatives of the so-called Depressed Classes to decide the question of population strength of the Depressed Classes and the number of seats to which they are entitled under the Raja-Moonje Pact.

This Conference requests Swami Satyananda, S<sup>r</sup>. Haridas Majumdar and S<sup>r</sup>. Jagnewar Mandal who have left for Bombay to strive in collaboration with Dr. Moonje for the settlement of the Depressed Classes problem on the lines of this Conference as far as practicable,

# THE MUSLIM CONFERENCES

## THE ALL BENGAL MUSLIM CONFERENCE

The All Bengal Muslim Conference was held at the Town Hall, Calcutta on the 9th. July 1932, under the presidency of Mr. A. H. Ghuznavi, a delegate to the Round Table Conference. Among others, the two Ministers, Mr. K. Najimuddin and Nawab Bahadur K. G. M. Farooqui, Maulana Shafi Daudi of Behar and Sir Abdulla Suhrawardy were present.

The President, after giving a brief survey of the conferences, conversations and consultations since the announcement of the visit of the Statutory Commission and the infructuous efforts to arrive at a communal settlement, pointed out that the only substantial achievement was the Minorities Pact signed on the 12th November 1931 by the representatives of the Minorities in India, which constitute nearly half the population of India, and delivered to the Prime Minister the following day. There was great restlessness amongst the Moslems of Bengal as bitter memory reminded them how they had been used as pawns in the game and their interests sacrificed under the Lucknow Pact. The demand of the Moslems of Bengal was that as they represented a majority of its population, their representation in the Legislature should reflect that majority which should not be reduced to a minority or even to equality. No violation of principle was involved in conceding the system of separate electorates to Bengal where the Moslems constituted a comparatively small majority over the Hindus. The Moslems of Bengal constituted 54.85 per cent of the population. Therefore, according to the formula, approved by the Prime Minister, Moslem representation in the Legislature should reflect that majority. However, by way of compromise, the Moslems were prepared to forego four seats for giving weightage to substantial minorities. Their generosity could go no further and the President held that the formula was just and should be appreciated by the Hindus, if the reverse of this principle was applied to the Provinces where the Hindus were constituting the majority.

Mr. Ghuznavi did not favour special interests' constituencies, like labour and women. If, however, special interests' constituencies should be retained, the total number of special seats, allotted to a particular community, should come out of the communal quota of seats, assigned to the particular community.

Concluding, the President urged the necessity of sending representative Moslems to London to keep the Moslem point of view before the British public. Otherwise, their labour would be lost "as a result of the ceaseless machinations and subtle propaganda of your opponents."

### Resolutions Passed

The Conference reassembling on the next day, the 10th, July, passed the following resolutions setting out the Muslim view regarding the new constitution and other matters relative to Muslim interests in the province.

The main resolution urged that the only form of Government suitable to Indian conditions is a Federal system with complete autonomy and residuary powers vested in the constituent units, that Central Government should have control only over such matters of common interest as might be specifically entrusted to it by the constitution, and that no difference should be made between the various units constituting the All-India Federation. All transfer of power should be from the Parliament to the Provinces, and no subject should be made Federal without the previous mutual consent of the autonomous units. The Moslem majority should be reflected in the legislatures. No constitution would be acceptable, it was declared, to Moslems unless it conformed to the aforesaid principles.

Among other resolutions passed was one protesting against the Federal Finance Committee Report which, it was pointed out, had robbed Bengal of its revenue and reduced it to a beggar province unable to meet its own expenses, and another protesting against the granting of votes to women by the veto of their husbands' rights.

The Conference also resolved that immediate steps should be taken to form Muslim organisations in every town, village, union, sub-division and district in Bengal, so that Mussalmans might be ready to work the constitution if the decision was in accordance with the Moslem demands and be ready to oppose the constitution in all possible manners in case their demands were not conceded.

## THE ALL INDIA MUSLIM FEDERATION

"My only advice to you at the present moment is to unite together and work for the common interests—the interests of Islam. For God's sake, give up talking, and unite. You have the strength of the masses and of public opinion behind you. United, we stand, divided we fall", declared Mr. A. H. Ghuznavi, concluding his speech at the meeting of the Council of the All-India Muslim Federation held at Bombay on the 29th. July.

Mr. Ghuznavi, at the outset, referring to the work of the Muslim delegation at the R. T. C. said that they worked most harmoniously as a team and there was absolutely no difference of opinion among them. He regretted that they were unable to solve the communal problem, but informed the audience that so far as the Muslim delegation was concerned, they did their utmost to meet the majority community. They had almost solved it with the assistance of the British Premier and the question of communal differences would have been a matter of the past, had it not been for one Sikh delegate, who did not agree to the Premier's proposals regarding representation in the Punjab. In order to facilitate a settlement, the Muslim delegation agreed to give up five seats in the Punjab and four in Bengal but to no effect. He added that they were going to insist on representation on a population basis, and would rely on the Premier's declaration that he would not permit the reducing of a majority community to a minority or an equality in any province.

Referring to the report in the morning papers that the Sikhs would declare civil war if a statutory majority was given to Muslims in the Punjab, Mr. Ghuznavi said that Mussalmans would accept the challenge. He added that still the descendants of Mahomed Gazni were not extinct.

Dealing with the R. T. C. Minorities Pact, the speaker said that Mahatma Gandhi was prepared to accept their demands provided they assured him that they would stand by him in resisting the claims of the Depressed Classes and Europeans for separate electorates. As they knew the consequences of such action on their part, they refused to leave the Europeans and the Depressed Classes in the hands of Mahatma Gandhi. Hence a solution became impossible. Therefore, they signed what he termed the memorable Minorities Pact, which represented 46 per cent of the whole population of minorities in India, and Mahatma Gandhi felt non-plussed.

Mr. Ghuznavi assured the audience that so far as Bengal was concerned the terms of the Pact would be carried out. If Bengal's demands were not conceded, Bengal Muslims would revolt. He condemned Dr. Moonje's statement in Bombay prior to his departure for London and said that his statement in London was worse still. It only restated what he had said as President of the Hindu Maha Sabha at Cawnpore.

Lastly, Mr. Ghuznavi dealt with the Liberal revolt and earnestly hoped that ways and means would soon be found to terminate the present deadlock between the Liberals and the Secretary of State.

## MOSLEM CONFERENCE WORKING COMMITTEE

A meeting of the Working Committee of the All-India Moslem Conference was held at New Delhi, on the 7th. August, with Sir Mahomed Iqbal in the chair. Those present included Malik Feroze Khan Noon, Maulana Mazharuddin, Syed Habibshah, Syed Zakir Ali, Maulana Shafi Daudi, the Hon'ble Syed Hussain Imam, and Mufti Mahomed Sadique. The following resolutions were adopted:—

### THE ALWAR AGITATION

"(1) Whereas the attitude of the Alwar Durbar towards its Moslem subjects and their many grievances which they have, for a long time, been most respectfully and constitutionally laying before the Durbar, have been one of extreme indifference and even of hostility; whereas the recent policy of the Alwar Durbar has been characterised by ruthless repression, so much so that about ten thousand Moslems, men and women, of all ages and stations in life, have been driven to migrate from the

Alwar city to Jaipur, Ajmere, Rewari, Ferozapore, Jherka, Gurgaon, Hissar, Agra, Baraampur, Delhi and other places ; whereas the Alwar Durbar has not allowed the deputation appointed by the All-India Moslem Conference in its session, in Lahore, to wait upon the Maharaja of Alwar to make a representation about the grievances of the Alwar Moslems ; and whereas the Alwar Durbar has failed to appoint an independent Commission to investigate the predisposing causes of the deplorable incidents of 29th May, when State troops fired on Moslems, as demanded by the Working Committee of the Conference on the 6th June, it is hereby resolved that,

(a) A deputation should wait on the Viceroy in order to place the whole case before His Excellency and request him to appoint an independent Commission of Enquiry for the purpose of investigating all the grievances of the Alwar Moslems.

(b) Telegrams be sent to the Secretary of State for India, the Viceroy and the A. G. G., Rajaputana States drawing their attention to the situation in Alwar, and the ruin it is causing to innocent men and women, and its probable consequences in British India.

(2) The Committee calls upon Moslem India to render immediate financial aid to the Alwar refugees.

The Working Committee further calls upon the Press in India to take up the just cause of the Alwar refugees.

#### AHRAR PRISONERS

(3) In view of the general feelings of Mussalmans throughout the country, that the Ahrar prisoners who were sent to jail in connection with the Kashmere agitation should be immediately released by the Government, the Working Committee urges upon the Government the desirability of the immediate release of Ahrar prisoners.

(4) In view of the fact that the sword is exempt from the operation of the Arms Act in some districts of the Punjab, while licence is necessary in others, the Working Committee is strongly of the opinion that the sword be exempted from the operation of the Arms Act throughout the Punjab. The Working Committee further calls upon the Moslem members of the Punjab Legislative Council to take necessary steps for the same.

#### COMMUNAL AWARD

(5) The Working Committee while appreciating the desire of the Sikhs to join the Minorities Pact and while welcoming their conversations with certain Moslems at Simla, is strongly of the opinion that such conversations may be used for bringing about postponement of the announcement by the British Government of their decision on the Communal question, and therefore calls upon the Moslems at Simla taking part in those conversations, to postpone the same till the decision is announced by the Government.

(6) The Working Committee is emphatically of the opinion that, in view of the acuteness of the present situation and the possibilities of further complications, it is the duty of the British Government to announce their decision on the communal question without further delay.

(7) Syed Zakir Ali's resolution regarding the further programme of the Conference in case the Government do not concede the minimum demands of the Moslem Conference, was placed before the Working Committee. Some of the suggestions made therein, were discussed by the members at great length. It was, however, finally decided to form a sub-committee to discuss and formulate a fuller and stronger programme to be placed before the next meeting of the Executive Board or before the special session of the All-India Moslem Conference. The sub-committee would consist among others of Sir Mahomed Iqbal (Chairman), Maulanas Mazhruddin, Hasrat Mohani, Syed Habibullah, Ghulam Rasul, and Syed Zakir Ali.

(8) It was resolved that the next meeting of the Executive Board be held in Delhi after the announcement by the Government of the decision on the Communal problem, giving ten days clear notice to the members of the Board.

#### MUSLIM CONFERENCE WORKING COMMITTEE

The Working Committee of the All-India Muslim Conference met again at Delhi on the 20th. August, and discussed the Communal decision of the Govern-



ment. After a heated debate, a committee consisting among others of Syed Zakir Ali and Mr. Masood Ahmad, was constituted for drafting the main resolution on the Communal decision. The draft resolution was presented to the Working Committee and after a few amendments were adopted for presentation to the Board.

Next day, the 21st. August, the Executive Board met under the Chairmanship of *Sir Mahomed Iqbal*. The draft resolution was proposed by Mr. Abdul Majid and was seconded by Syed Mahomed Hussain. Forty-one members attended the meeting, the chief among them being Dr. Shafat Ahmed Khan, Nawab Jamshed Ali Khan, Maulana Shafi Daudi, Hafiz Hidayat Hussain, Mahomed Yamin Khan, Haji Wajehuddin, Nawab Mahomed Yusuf, Kunwar Ismail Ali Khan, Haji Rahimbux, the Hon'ble Mr. Hussain Imam, Ghulam Shaik Narang, the Hon'ble Mr. Mahomed Padsha, Dr. Iqbal, Malik Feroza Khan Noon, Nawab Ismail Khan and Dr. Ziauddin. The following were the resolutions adopted by the Executive Board :—

(1) In the opinion of the Board, the decision of His Majesty's Government about the measure of Moslem representation in the Provincial Legislatures is disappointing, as it falls very much short of the Moslem demands embodied in their resolution of the All-India Moslem Conference, and as it (a) denies the right of a statutory majority by separate electorates to the Mussalmans in the Punjab and Bengal, (b) reduces the weightage now enjoyed by the Mussalmans in the United Provinces, Bihar and Orissa and Madras Legislative Councils, (c) gives weightage to non-Muslim minorities in the North-West Frontier Province equivalent to three times their population, which is much in excess of the weightage given to Moslems in their minority provinces, (d) omits British Baluchistan from the general scheme of reforms, (e) leaves the question of separation of Sind as provisional as before,

(2) The Board, while appreciating the efforts of His Majesty's Government to meet the demands of all concerned and recognising that their decision does meet a portion of the Moslem demands, is strongly of the opinion that no constitution would be acceptable to the Moslem India, unless it embodied in it all the other Moslem demands set forth in their resolution of January 1929 and further explained and confirmed in their resolution of April 1931.

(3) The Board most emphatically adds that the Moslems of India will not accept any constitution unless it creates completely autonomous Federal States of equal status, and accepts the principle that the transfer of power shall be from the Parliament to the Provinces and not from the Parliament to the Central Government.

(4) The Board further requests His Majesty's Government to make an immediate announcement that the future Constitution will be based on the principles stated in the preceding paragraphs.

(5) The Executive Board is emphatically of the opinion that a great injustice has been done to the Moslems of Bengal, as His Majesty's Government have, in their decision, departed from the well recognised principle that no majority shall be reduced to a minority or an equality.

(6) Separation of Sind being one of the most vital demands of the Moslem India, this meeting of the Board demands that Sind be separated from the Bombay Presidency without any further delay.

(7) In view of the change in the political atmosphere caused by the announcement of the decision made by His Majesty's Government, the Board urges upon the Mussalmans of India to continue to cultivate friendly relations with the sister communities, and remain prepared for all eventualities in order to protect their rights and Secure, by all constitutional means, the remaining demands which they consider more vital than the mere allotment of seats.

## THE BENGAL PRESIDENCY MUSLIM LEAGUE

The Council of the Bengal Presidency Muslim League, at an emergent meeting held at Calcutta on the 21st. August, passed a resolution protesting against the communal award on the ground, among others, that it does not recognize or give effect to the principle of joint electorate without reservation of seats in Bengal, reduces the representation of majority community in the Bengal Council into a statutory minority and gives an unfair weightage to the Europeans and Anglo-Indians out of reasonable proportion.

The council condemned the anti-national attitude of the Hindu news-papers in ~~including~~ the Nationalist ones towards the communal award and the exhibition of a

a militantly communal mentality on their part. It strongly disapproved the conduct of those Mussalmans who accepted the communal award and especially those Mussalmans who accepted a statutory minority in the Bengal Council.

### THE BENGAL NATIONALIST MUSLIM PARTY

A meeting of the executive committee of the Bengal Nationalist Muslim party was held at Calcutta on the 21st. August to consider the communal award of the British Prime Minister. *Choudhuri Moazzam Hossain* presided. The following resolutions were passed :—

1. This meeting of the executive committee of the Bengal Nationalist Muslim party records its emphatic protest against the communal award recently given by the Prime Minister in consultation with the British Cabinet on the following amongst other grounds :— (a) It recognises the principle of separate electorates which is fundamentally opposed to responsible government. (b) It has placed the Mussalmans of Bengal in a position of permanent statutory minority. (c) It has retained special constituencies for landlords and commerce and has extended its scope to other special interests. (d) It cleverly retains separate electorates for the Mussalmans so that the Europeans and Anglo-Indians may be given separate electorates and representation and that far in excess of their due share in order that they may virtually dominate the Bengal Council. (e) It has been so devised as to prove a veritable apple of discord between the different communities in order to side-track the real issue of responsible self-government. (f) It has totally ignored agricultural labour which forms a substantial portion of the whole population of the province. (g) It has practically closed the door of settlement between the different communities in so far as it has laid down as a condition precedent that no settlement will be accepted unless it is made with the consent of all the communities concerned. (h) It has kept in abeyance matters of fundamental constitutional importance like that of (1) representation of the different communities in the central Legislature, (2) of unicameral government in the provinces, (3) the concession of full constitutional status to Beluchistan like that of other provinces and (4) the question of separation of Sind which might have been simultaneously announced in the award.

2. This meeting expresses its strong disapproval of the views of all the Nationalist Hindu newspapers that have taken up an anti-national attitude towards the communal award and the mentality that they have shown since the announcement of the award, inasmuch as such an attitude and mentality are seriously prejudicial to the cause of nationalism in India.

### ALL INDIA MUSLIM LEAGUE COUNCIL

The Council of the All-India Muslim League met at Simla on the 4th. September to discuss the communal award. *Sir Zulfiqar Ali Khan* presided. Among those present were Mian and Begum Shah Nawaz, Dr. Ziauddin, Captain Sher Mahomed Khan, Nawab Sir Mehar Shah, Nawab Ismail Ali Khan, Sir Mahomed Yakub, Nawab Mahomed Ibrahim Ali Khan of Kunjpura, Haji Bahim Bakhsh, Sardar Habibullah, Syed Mahomed Hussain, Syed Maratub Ali, Nawab Syed Ijaz Rasool, Nawabzada Khurshid Ali Khan. The following resolutions were passed :

(1) Notwithstanding the fact that the decision of His Majesty's Government on the Communal problem falls short of the minimum Muslim demands as enunciated in the various resolutions of the All-India Muslim League, the Council is clearly of opinion that the decision does represent a method which removes the obstacle from the path of Constitutional advance, thereby enabling the people of India to concentrate their attention upon solving the many issues that still remain to be decided in the field of Constitutional reforms. The Council however desires to make it perfectly clear that it is not in a position to say, at this stage, whether the picture of the new Constitution, when complete, will be acceptable to the Muslim community or not.

(2) The Council of the Muslim League calls upon the Muslim members of the Round Table Conference to continue to work with the representatives of other communities for the immediate attainment of Self-Government in India, subject to the minimum demands of the Muslim community.

8. (a) The Council of the All-India Muslim League enters its emphatic protest against denying to the Moslems of Bengal and the Punjab a statutory majority to which they are rightfully entitled.

(b) That notwithstanding the injustice done to the Mussalmans, the Council notices with regret that the Sikh-Hindu agitation in the Punjab has been directed towards reducing the already attenuated Moslem percentage in the Council, which will only result in accentuating communal bitterness and widening the gulf between the communities.

(4) That the Council of the All-India Muslim League, while disagreeing with the principal of special qualification for franchise and reservation of seats for women apart from the men of their community, appreciates the efforts of His Majesty's Government to distribute the seats reserved for them amongst women of different communities through their own communal electorates.

(5) The Council of the League is strongly of the opinion that Sind should immediately be separated from the Bombay Presidency and that its separation should be embodied in the revised Government of India Act.

(6) The Council of the Moslem League urges upon the Government the necessity of expediting the work of introducing full Responsibility in the Centre with the necessary safeguards. The Council is further of the opinion that a Federation of British India should not be postponed or made dependent upon an agreement amongst the Princes to join an All-India Federation.

(7) Having carefully considered the announcement of the Secretary of State for India about the procedure to be adopted with regard to constitutional reforms, the Council of the League urges the desirability of continuing the method of the Round Table Conference in order to achieve the greatest measure of common agreement between Indian and British delegates.

(8) The Council of the Moslem League reiterates the demand repeatedly expressed by the Moslem League that in the Federal Assembly and in the Upper Chamber, in which-ever manner they may be constituted, at least one-third seats of the whole House should be guaranteed for Moslems by statute.

(9) The Council of the Muslim League wishes to make it clear that in the future constitution of India the residuary powers must vest in the component units of the federation in autonomous provinces.

(10) This meeting of the Council of the all-India Muslim League is of opinion that the communal award, so far as it concerns the representation of the Muslim community in the Legislative Council of Assam, is disappointing in so far that instead of obtaining any weightage the Mussalmans of Assam have the misfortune of getting lesser number of seats than what they are entitled to by their numerical strength.

## THE ALL INDIA KHILAFAT CONFERENCE

The All-India Khilafat Conference met at Ajmere on the 27th. September, *Shaikh Abdul Majid* presiding.

In the course of his address, *Shaikh Abdul Majid* referred to Mahatma's hunger-strike as a confession of the failure on his part to purge the majority community of the caste mentality by any other method. He asserted that unless and until caste-system was wholly penalised, there was no prospect of saving the country as a whole or the Hindu society from disruption in water-tight compartments, even with Joint Electorates which during the last twenty years were more or less run on caste lines. He declared that though the Mussalmans had staked their Fourteen Points for the sake of the Depressed Classes, yet he would be glad if some amicable settlement were to be arrived at between the two sections of the Hindu community in order to save Mahatma's life. When there were separate schools, separate hostels, separate hotels, separate wells, separate cremation grounds, separate marriages, separate temples and separate languages, was there any wonder, he asked, that there should be a demand for Separate Electorates?

Referring to the insistence of the Muslim community on the retention of Separate Electorates, *Shaikh Abdul Majid* said that there was no other choice left to the Mussalmans. But the responsibility for rejecting the Joint Electorates wholly rested with the Hindu community who would never tolerate the statutory majorities of the Mussalmans on population basis in some of the Provinces. Even now if Hindus would agree to Statutory Muslim Majorities on population basis, adequate weightage

for Muslim Minorities, separation of Sind and other innocent cultural and religious safeguards, the door of negotiations for an amicable settlement with the Hindus was open on the basis of Joint Electorates with a hope that there would one day be one Nation and one Electorate. But Mussalman majorities must get their fullest quota of representation on population basis and the Mussalman minorities of India their full weightage.

Discussing at length the future goal of the Mussalmans of India, he preferred equal partnership for India within the commonwealth of British Nations with His Majesty the King Emperor and his descendants as the hereditary and constitutional custodians of this Commonwealth. He further opined that the Imperial Conference be converted into an Imperial Legislature which may pave the path for the League of Nations to establish an International Legislature for the nations of the world. He at the same time asserted that in an India completely independent of British connection, the Mussalmans have nothing to fear from the Hindus. They will be quite in a position to hold their own and protect their own interests, but practical statesmanship dictates a course that is possible of achievement. The Hindu is bent upon having domination in India with the aid of British bayonets and the real problem before the Mussalmans is how to save himself from the combined domination of the Britisher and the Hindu. This can only be done when the Mussalmans definitely adopt responsible government within the British Empire as their goal and at the same time insist on the achievement of their legitimate demands. Proceeding, the President characterised the present war between the Congress and Government as a war for dominating over each other and the rest of the country to the detriment of the interests of the vast majority of its population. He said Mussalmans had refused to be a party to this war which was an unholy war with sinister aims on both sides. The Congress aimed at domination and the Government wanted to crush the Congress. He suggested peace in the interests of humanity at large, in the interests of England and in the interests of India.

He gave tentative proposals for a lasting peace as follows :

1. Civil Disobedience Movement to cease at once.
2. Declaration by the Government that the responsibility in the centre and in the provinces will be introduced simultaneously, the safeguards to be mutually agreed to in the Third Round Table Conference.
3. The Congress leaders to co-operate with the Government in putting down violent outrages and outbreaks.
4. Withdrawal of Ordinance Bill by the Government.
5. Participation of the Congress in the Third Round Table Conference.
6. Release of Civil Disobedience Prisoners.

For the Hindu-Moslem settlement he suggests to alternative formulae :

1. Reservation of seats on population basis for all the communities in all the Provincial Legislatures with separate Electorates.
2. Reservation of seats on population basis for the Muslim majorities and existing weightage plus one-third of the existing nominated seats for Muslim minorities in the Provincial Legislatures with Joint Electorates throughout India.

One-third Muslim representation in the Federal Legislatures, separation of Sind, introduction of reforms in British Baluchistan, residuary powers to lie with the Provinces, due share in Central and Provincial Cabinets and Services and religious and cultural safeguards from the necessary parts of both the proposals.

If no assurance is given to the Mussalmans about the separation of Sind simultaneously with the inauguration of the New Constitution, if British Baluchistan is denied the reformed Constitution, if European Community in Bengal does not see its way to forego a few seats to restore the Muslim majority in Bengal as was agreed to between the minorities' delegates at the R. T. C. in the Minority Pact, the Mussalmans of India should reject the Award and concert united measures for wrecking the New Constitution with all their might. The Award in the present shape is most unsatisfactory, disappointing and unjust.

About the condition of the Muslims in Native States, the President suggested the appointment of vakils on behalf of the Khilafat Conference to watch their interests and to get their grievances redressed by constitutional agitation. He expressed the hope that the day would not be distant when the Muslim world would find out some solution of the Khilafat question and elect a Khalifa accepted by all. Until then he would pay his homage to the exiled Khalifa. The Hedjaz should be converted into a Muslim international state, having for its chairman the

ruler of the Hadjas, whoever he might be. The functions of the Muslim International Assembly should be partly advisory and partly legislative, with the power of veto vested in the chairman.

The President congratulated the Mussalmans of Palestine having held the Muslim World Congress at Jerusalem and hoped that their efforts for the establishment of a Muslim University would be crowned with success, and he suggested that the next World Congress might be held in India, and that its constitution should be so modified as to make it workable and acceptable to all so far as possible. Such a Congress, he said, would help the Muslim Nations to cooperate with one another in the common work of elevating the Muslims throughout the world.

Then the President gave a constructive programme for the Central Khilafat Committee which is briefly given here.

1. Revision of the constitution of the Central Khilafat Committee.
2. Reorganisation of the existing committees and the establishment of new ones. Introduction of the principal of life insurance in the Constitution of the committee and charging of four annas per every month or three rupees annually, the amount so collected to be given in equal shares to the heirs of the members who may happen to die in any month.
3. Co-operation with the other Muslim organisations in the country to form a single political organisation of the Mussalmans of India.
4. Encouraging the Mussalmans to get their names registered in the next census as Mussalmans, without giving any caste or race, with Islam as their religion.
5. To help the other Muslim organisations in the establishment of a Muslim Jurist Association, whose decisions in matters affecting the personal law of Mussalmans should be regarded as final and to secure their recognition by Government.
6. To frame a model Wakf Act with a view to its being passed by the provincial legislatures through the Muslim members of these legislatures.
7. To urge the Government to transfer the control of mosques and other sacred and historical monuments of the Mussalmans to the control of the Muslim community, whenever such a demand is and by the local Mussalmans.
8. To establish night schools by making it necessary and compulsory on each Khilafat Committee to establish at least one night school within its own town otherwise failing which it would not be recognised by the Central Committee.
9. To celebrate the anniversary of the late Maulana Mahomed Ali in co-operation with other organisations and to establish Joint Committees in as many places as possible for collecting a fund which may be handed over to the Jame Mia, Delhi.
10. To enrol one volunteer per cent of the population under the auspices of the local Committees.
11. To undertake a general propaganda for the furtherance of education, retrenchment in expenditure, eradication of social evils, opening of shops and grain shops in particular, curtailment of personal expenses, and to inculcate principles of religion and morality among the Mussalmans.
12. To educate the electorate that it should elect true, hard-working and self-sacrificing Mussalmans to the self-governing bodies and the Provincial and Central legislatures.

The President concluded by making a fervent appeal to the Mussalmans of India to sink their petty differences and to unite.

## THE SHIA POLITICAL CONFERENCE

Presiding over the Shia Political Conference, held at Lucknow on the 30th. October *Raja Ghaznafar Ali Khan* said :

"We are face to face with a racial and communal struggle in which demands are made for rights by means fair and unfair, and with suspicion towards one another. In the last R. T. C. this domestic quarrel was indulged in and India was made the laughing stock of the world. The forces, which to-day are wasted in suppressing and annihilating one another, could be employed for building the future India." They should do away with all differences, and work for the well-being of a united and free India, observed the President.

Referring to the third R. T. C., the President expressed his disappointment at the exclusion not only of Mr. Gandhi and the Congress, but of an able statesman like Mr. Jinnah. This showed the purpose of the Government—to do what it

wanted to do and to have nobody in the conference who would oppose it. As for the Indian States, the President said that the Government did not give them scope for any desire for reforms. They were sending individual representatives without potential rights. The result would be that they would speak in different voices and no unity or Federation would come.

Continuing, Raja Gaznafar Ali said that the Shia community had always given evidence of its intention to stand by its principles. It has always stood for a joint electorate. They wanted the thirteen points to be accepted as their just rights. They wanted to accept joint electorate, as it would make a good foundation for a united nation. The majority of Muslims found themselves in trouble on account of the superior intelligence of the Hindus and consequently fought shy of joint electorate. Maulana Shaukat Ali and his co-workers were anxious to make joint electorate conditional for some time. If Hindus accepted the conditions, it would be the happiest thing possible.

Referring to the Communal Award, Raja Gaznafar Ali said that the Prime Minister had stated that he would accept any mutual agreement between the parties concerned. The proof of it was furnished by his accepting the settlement between the Hindus and the Untouchables. It would have been very nice if this settlement had been extended to the other communities.

Referring to the Punjab, which he characterised as the Ulster of India, the President said that the Sikhs were a brave and valiant nation, but that did not mean that they should snatch away the rights of their neighbours. Mussalmans would not be frightened by threats. In India, it was not practical politics to have Moslem, Hindu or Sikh Raj. He continued: I am not one of those pessimists who despair of India's freedom on account of the present differences. The present state of things would very soon change. In the nature of things, all would combine. In such a unity lies the welfare of all. I trust Shias will strive their utmost to bring about unity. Our only motto should be "India for Indians."

#### RESOLUTIONS PASSED

The Conference adopted a resolution, opining that the Premier's award is opposed to Indian national growth and welcoming the Unity Conference at Allahabad and approving of the principles underlying the resolution of the All Parties Conference.

The Conference authorised the representatives of the Shia community to support settlement on the basis of joint electorate with adult franchise if possible, or accept any alternative scheme which might not adversely affect the interests of the Muslims in general and the Shias in particular.

Another resolution passed expressed dissatisfaction with the personnel of the Third Round Table Conference.

The Conference requested the Government to give proper facilities to Mr. Gandhi and the leaders of the Allahabad Conference for arriving at a settlement.

The Conference congratulated the Maharaja of Alwar on the decision to release the Bahadurpur prisoners.

The Conference demanded an enquiry into the Sialkot Zilfinat incident in the Punjab and warned the Government not to interfere in religious questions.

### THE ALL INDIA MUSLIM CONFERENCE

A special session of the All India Muslim Conference was held at Calcutta on the 26th, December under the presidency of *Mr. A. Yusuf Ali* of Lahore. Over hundred members of the Executive Board and three hundred members of the general body attended the Conference.

Before the Conference met, about a hundred men wanted to rush into the Conference pandal, but were repulsed by the police and volunteers.

Amongst those present were Malik Feroze Khan Noon, Minister, Punjab, Mr. Hassan Imam, Member, Council of State, Maulvi Shafi Daudi, Sir Zahed Suhrawardy, ex-Judge of the Calcutta High Court, Mr. K. Nazimuddin and Mr. K. M. G. Faruqi, Ministers, Bengal.

In the course of his address the president said that, in spite of all propaganda, it was clear that no decisions could be reached which any of the communities would unanimously accept.

Regretting Congressites' attitude in refusing to help in the solution of communal differences during the first two sessions of the Round Table Conference, the President remarked that the British Cabinet had given a decision, which was well balanced. However inadequate some of its provisions were for safeguarding Moslem rights, the Moslems had accepted it as a compromise, subject to minor adjustments in respect of details. He endorsed the action and public utterances of the Moslem delegates to the Round Table Conference. Concluding, the President appealed to His Majesty's Government, in view of the Brayne Committee Report, to announce the unconditional separation of Sind at the earliest moment, subject to safeguards for minority rights as in other Provinces.

Mr. Yusuf Ali said that there were forces ranged against Muslim political demands, which were working energetically to undermine their position. Critical constitutional decisions were about to be taken, and if the position was not fully understood, it would be too late to rectify any misunderstandings afterwards. The minorities, with the exception of the Sikhs, had accepted the Premier's Communal decision. But it did not suit those whose minds were obsessed with direct action, civil disobedience or doctrinaire ideas of democracy and majority rule. A few members of the Muslim community pretended to represent their community. The campaign of "Unity Conferences, All-Parties' Conferences, and Agreements" was still going on. If called by their right names, they were really "Disunity Conferences, No-Parties Conferences and Disagreements."

As regards Sind, Mr. Yusuf Ali said that the Congress had so little faith in mutual confidence between the communities that they were asking for safeguards, more odorous and crippling than ever Muslims had asked for in any province where they were in a minority. Muslims were asked to sacrifice clear and definite points for vague and impossible suggestions.

After suggesting a few minor modifications of the communal decision in respect of Bengal, the President turned to the question of the Central Legislature and the Central Executive, in both of which he demanded thirty-three per cent representation for Muslims. An assured position in the Central Legislature and Executive was necessary to safeguard Muslim interests. There should also be a limitation of the power to alter the territorial limits of Muslim provinces. Muslim action in taking a firm stand for separate electorates, should not be understood to bar all progress in the future. In the present state of want of mutual confidence, separate electorates were necessary. Even the joint electorates proposed at Allahabad were really separate electorates in disguise. They had all the disadvantages of separate electorates, but none of the advantages. True Nationalist sentiment could only be built up by recognising facts and realities. "Grasp facts, produce men and institutions will follow", the President declared.

#### RESOLUTIONS

The Conference reassembling on the day after next, the 28th. December, resolutions not accepting the Allahabad proposals and welcoming the announcement of the separation of Sind and Orissa were passed. Syed Habib of Lahore moved the resolution regarding the separation of Sind and Orissa. Dr. Mahomed Hasan moving for 20 per cent. weightage for Muslims in the federated province of Orissa said: 'We have not stood in the way of Hindus, demanding separation of Orissa and we hope Hindus would not grudge this weightage.'

Mr. Hussain Imam moved another resolution demanding 20 per cent seats for Muslims in the Bihar legislature, since Orissa was to be created a separate province and the proportion of Muslims in Bihar had increased.

Maulana Shafi Daudi next proposed that since joint electorate was being proposed for the Senate in the Central Legislature, the Conference protests and urges elections to the Senate to be by separate electorate.

Mr. Azizur Rahman rejected the idea of alteration of the present territorial limits of the provinces, urging that powers of the Central Legislature may be accordingly circumscribed. He said the idea of Hindus in changing territorial limits was that by adding Sylhet in Beugal the Muslim position would be affected.

The last resolution expressed disappointment at the Premier's decision not reserving an absolute majority of seats for Mussalmans in Bengal and urging rectification of the injustice. Another part of the same resolution urged the percentage

of Mussalmans which had been decreased by the Premier's award in Assam, Central Provinces and United Provinces legislatures to be increased to the previous percentage. The resolutions were unanimously adopted and the Conference concluded.

### THE JAMIAT-UL-ULEMA-HIND, CAWNPORE

The Jamiat-ul-Ulema-Hind, Cawnpore, held an open session at Calcutta on the 26th & 27th December under the presidency of *Maulana Abdul Qadeer* of Budann, and passed the following resolutions :—

"(1) The Jamiat has carefully and attentively gone through the proceedings of the meeting of certain Muslims held recently at Lucknow under the chairmanship of Nawab Sir Zulfiqar Ali Khan and the Jamiat is well aware of all that happened in the so-called Allahabad Unity Conference. In the opinion of the Jamiat the general Muslim opinion is not prepared to countenance any change in any form in the demands framed by the All-India Muslim Conference in 1929 as amplified by the same Conference in April, 1930; and whereas efforts have been made at Lucknow and Allahabad to detract from those demands and to divide Muslims, it is therefore declared hereby in the most clear terms that the Jamiat rejects the decisions of the Allahabad Unity Conference and warns the Muslim public against falling into the snare of such unity conferences. The Jamiat further supports fully the declaration of its working secretary issued on Nov. 20 in collaboration with the working secretaries of the All-India Muslim League and the All-India Muslim Conference.

"(2) Accepting the Premier's Award the Jamiat points out that all their demands have not been given, particularly, in case of Bengal, the Punjab, and asks the Mussalmans to try their utmost for getting them. It further adds that no constitution will be successful unless there be safeguards for Muslims."

### MUSLIM ORGANISATIONS' JOINT MEETING

A largely attended public meeting of Muslims belonging to different parties was held at the Albert Hall, Calcutta on the 29th. December. *Sheikh Abdul Majid Sindhi* presided. The following resolutions were unanimously adopted :—

"This joint meeting of representatives of the Central Khilafat Committee, the Jamiat-ul-Ulema-Hind, the Afgan Zirga, the All-India Ahrar Party, the All-India Muslim Youth League, the Jamiat-ul-Ulema, Cawnpore, the Nationalist Muslim party and other provincial Muslim organisations emphatically declare that the so-called Muslim Conference which recently held its meeting in Calcutta was illegal, unconstitutional and unrepresentative inasmuch as the constitutional elements of the conference were opposed not only to the holding of the conference but to the procedure adopted by the holders of the conference in excluding practically all Muslim organisations which constitute the Muslim Conference.

"This Conference further resolves that all parties of the Muslim Conference at Lucknow be requested to hold another session of the conference in February, 1933, with a view to consider the entire political situation in the light of recent events."

Moving the resolution, *Mr. Mahomed Hussain* of Allahabad, dwelt on the illegality of the Calcutta conference and referred in addition to technical objections, 'real objections' that no opportunity was given to the Ahrar party, the Jamiat-ul-Ulema, Delhi and the Central Khilafat Committee to send their representatives to the subjects committee and the open conference. The meeting of the working committee could not be held, and the speaker alleged that it was deliberately avoided. In spite of the best efforts of the speaker he could not succeed in obtaining (admission for ?) representatives of those bodies although he repeatedly assured that none of those representatives was going to the conference or the subjects committee with the intention of opposing any particular resolution, but if any resolution came requiring criticism they would be at liberty to criticise it.

After the resolutions were unanimously adopted, *Maulana Abul Kalam Azad* said he was all along against Mr. Jinnah's 14 points as he was unconvinced of the soundness of those points. However, as the Muslim majority favoured them, he met Maulana Shaukat Ali and Sheikh Abdul Majid Sindhi for an amicable settlement, but as soon as they accepted the 14 points at the Lucknow Conference the champions of the 14 points retraced their steps and added six more at Delhi. In conclusion, he challenged them to test the soundness of their statement and said it was high time that Muslim public opinion should be got rid of such self-seekers.



# THE SIKH CONFERENCES

## THE SIKH ALL PARTIES CONFERENCE

A largely attended conference of representatives of Sikhs of all shades of opinion was held at the 'Samadh' of Maharaja Ranjit Singh at Lahore on the 24th. July.

*Sardar Amar Singh*, Senior Vice-President of the Central League, was voted to the chair in the absence of Master Tara Singh, who had been externed from the Districts of Lahore, Amritsar and Lyallpur.

Prominent among those present were *Sardar Sampuran Singh*, *Sardar Sahib Ujjal Singh*, *Sardar Avtar Singh*, *Sardar Bahadur Mehtab Singh*, *Giani Sher Singh*, Vice-President of the Central Sikh League, *Sardar Kartar Singh Diwana*, *Sardar Narsin Singh Dhurkote*, *Sardar Sant Singh*, *Sardar Bahadur Hukam Singh*, and *Sardar Santokh Singh*, President of the Amritsar Municipality.

At the commencement of the Conference, messages wishing success to the conference from *Sir Joginder Singh*, *Sir Sundar Singh Majithia*, *Sardar Kartar Singh* and others were read.

In the course of his opening speech, *Sardar Amar Singh*, President of the Conference, said that the Sikhs demand justice to all and favour to none. They only demand that whatever weightage or concessions to be given to Muslims in the U. P., Madras, the C. P., and Behar and Orissa, should also be given to the Sikhs. The Sikhs who paid the largest part of the revenue of the Province and contributed more men for the army deserved special consideration.

Finally, the president declared that the Sikhs wanted that no community in the Punjab should be allowed to dominate over the other communities; that if this was attempted the Sikhs would fight to the bitter end.

*Giani Gurmukh Singh Musafir*, Jathedar of Sri Akal Takhat, then read out his address, in the course of which he strongly condemned the attempts of interested persons to place the Sikhs and other minorities in the Punjab in a subordinate position and called upon every Sikh to take a pledge that he would not tolerate communal Raj in the Punjab.

*Giani Kartar Singh* then read out Master Tara Singh's message who having been externed from the district under the Ordinance was residing at a distance of about 3 miles from the place where the Conference met.

*Master Tara Singh*, in the course of his message, had said that out of 162 general elected seats in the Punjab, 85 will go to Mussalmans according to the latest recommendations. The Sikhs did not desire their own Raj, but they wanted the Raj of justice and fairness. If opposing of communal Raj was communalism, he would feel proud of being a communalist. It must be remembered that granting statutory communal majority in the Punjab would mean a stumbling block in the way of Indian freedom. The Sikhs would fight for India's freedom. He expressed his determination to fight against the establishment of communal Raj in the Punjab.

### RESOLUTIONS

*Giani Sher Singh*, Vice-President of the Central Sikh League, while moving the first and most important resolution of the conference, made a stirring speech. The resolution ran as follows :—

"This representative conference of the Sikhs of all shades of opinion, held under the auspices of the Central Sikh League, at the Samadh of Maharaja Ranjit Singh, views with alarm that the Government by their award intend to give a majority of seats to the Muslims in the Punjab Legislature and that the Sikhs are not to be given weightage to the same extent as is given to Muslim minorities in other Provinces.

"This assemblage declares that such an unjust decision, if given, will be wholly unacceptable to the Sikhs, as it establishes a Communal Raj in the Province by setting up an unalterable religious majority, irremovable by an appeal to the electorates.

"Such an arrangement, in the opinion of this conference, threatens the very existence of the minorities, and is opposed to all notions of democracy.

"This gathering further declares their grim determination not to submit, under any circumstances, to such a majority and not to allow the successful working of any constitution which does not provide full protection to the Sikhs by guaranteeing an effective balance of power to each of the three principal communities in the Punjab.

"We, the delegates, assembled at the Samadh of Maharaja Ranjit Singh, pledge ourselves to resist the domination of any religious community in the Punjab and will be prepared to make every sacrifice for the protection of the Sikhs."

*Sardar Buta Singh*, Deputy-President of the Punjab Legislative Council, seconded the resolution.

*Sardar Bahadur Mehtab Singh*, while supporting the resolution, observed that the Muslims, if given 48 per cent in the Punjab, will still form a majority of about 56 per cent, for the Hindus of Rohtak and Karnal districts could be relied upon to support them. If the Government granted communal majority to one particular community in the Punjab, it would invite civil war. He assured the Sikhs that he would fight against such a communal Raj as soldiers of the Panth.

*Sardar Sant Singh* said he wanted to say a word to the British Government and a word to the Muslims. To the British Government, he wanted to say that, by adopting such methods, they would lose their hold on India. There were only two Sikhs at the Round Table Conference, but they did not submit to the British Cabinet and did not lose their courage. If the British Government would pander to the communal demands of the Muslims, the Sikhs in the Punjab would be crushed, which would be an all round blunder on their part. To grant statutory majority to a community, would be to defy the Queen's Proclamation of 1857. Discussing the Minorities' Pact, the Sardar said that the British Tories had entered into a conspiracy with Mussalmans and a handful of Anglo-Indians.

To the Mussalmans he said that their economic, social, and political progress lay with the progress of other communities of the country. If they really desired betterment of their community, they should join hands with those who were fighting for the attainment of constitutional advancement of the country.

*Sardar Ujjal Singh*, observed that it was surprising to him that Englishmen who were considered to be the founders of democracy were ignoring the same principle for others by granting statutory majority to a single community, which was opposed to both the Nehru and Simon Reports. Continuing, he said the intention of the British Government was not to establish real Swaraj or self-government to India. He warned the Government, that there would be a bitter agitation in case the Sikh rights were ignored.

*Sardar Sampuran Singh* said that every effort was made at the R. T. C. by certain British statesmen to make the Sikhs agree to the Minorities Pact, but as it was not acceptable to the Sikhs, they did not agree. He accused those British statesmen of making false promises.

#### POSITION OF S. G. P. C.

*Sardar Bhag Singh* made the following statement on behalf of the Shiromani Gurdwara Parbandhak Committee which was unanimously carried :—

"The political situation at present is so gloomy and critical that even religious bodies, like the S. G. P. C., that have nothing to do with politics, can hardly remain unaffected and unmoved by the dreary prospect. The rumoured decision of His Majesty's Government to saddle the Punjab with a rule of religious communal majority by methods, direct or indirect, is destined to spell the utter ruin of all relations of mutual confidence, cooperation and corporate life which go to make a people and create a national Government.

"It is seriously apprehended that in the event of this rumour coming out true, not only the peace and progress of this Province, but those of the country as a whole would be gravely prejudiced and conditions produced under which various communities would turn into ferocious beasts wrangling for supremacy, a spectacle repulsive at once to God-fearing men and patriots and reflecting little credit on a nation whose lofty professions have been that interests of the Indian masses and minorities were a sacred trust with them.

"It would be a mistake to assume that religious bodies would not take alarm under the circumstances. Indeed, it would be suicidal on their part if they did not

prepare themselves to safeguard their interests, and the well-being of their followers from the effects of the storm which the black clouds overhanging the political horizon portend. Religion with the S. G. P. C., is not an emasculate observance of empty form. On the other hand, it is full of practical and vigorous life, sustaining itself and growing the robust and healthy life, spiritually and physically, of its devotees.

"The S. G. P. C., takes timely notice of the dangers ahead, and is fully alive to its duties to the Guru's Panth, holding aloft the standard of Guru Gobind Singhji, who fought against communal tyranny and cherished the memories of countless heroes who laid down their lives in the services of the weak and oppressed."

The S.G.P.C., declares in no unmistakable terms that the Khalsa 'will resist to the last man any attempt to establish a Communal Raj in the Punjab.'

#### COUNCIL OF ACTION

The following resolution was moved from the chair and declared carried amid loud shouts of 'Sat Sri Akal' :-

"This conference resolves that a Council of Action of 17 members, with power to do opt more, be constituted to adopt necessary measures for carrying out the purpose of the aforesaid resolution :-

"Master Tara Singh, Giani Sher Singh, Editor of the "Sikh Sewak", Sardar Avtar Singh, Sardar Sant Singh, Sardar Sampuran Singh, Sardar Ujjal Singh, Mian Channu, Jathedar of Shiromani Akali Dal, Giani Kartar Singh, Sardar Amar Singh of "Sher-i-Punjab," Sardar Mohinder Singh Sidhwan, Jathedar Partap Singh, Sardar Buta Singh, Sardar Sir Sunder Singh Majithia and Sardar Kharak Singh ( now in jail )."

The last resolution passed by the conference ran as follows :-

"This conference reiterates the Sikh demand of 5 per cent representation in the Central Legislature, 6 per cent in the Frontier Province's Legislature and one Sikh Minister in the Central Cabinet, besides other demands embodied in the 17 "points".

With the exception of one or two who were not present in the Conference, all the members of the Council of Action took the following vow in the presence of the Guru Granth Sahib which was signed after being read out word by word :-

"I.....in the presence of Guru Granth Sahib pledge that I shall not tolerate any communal majority granted in any way to any particular community and take a vow that I shall try to fight against this by making every possible sacrifice. I pray may He give me power to fulfil my pledge".

#### THE SIKH LEADERS' MANIFESTO

Over 30 leading Sikhs of Amritsar and some neighbouring districts issued the following statement to the press on the 30th. July :-

"We are surprised to read the news of Sir Mohammed Iqbal, having taken objection to the language used in certain Sikh manifestoes and meetings without for a moment regretting the extremely deplorable attitude adopted by his own community. When he regards safeguards so essential for his community, which he calls an important all-India minority, why should he grudge these safeguards to the Sikhs, who constitute a more important minority in the Punjab ? We do not know whether it is the Sikhs who are opposed to national advance or his own community. Every student of politics knows it full well that Mahomedans of the Muslim Conference way of thinking have done all in their power to impede national advance, but perhaps arguments do not weigh with that class which is obsessed with lust of power.

"From a number of instances, it will be seen what an aggressive attitude the Mahomedans have already adopted in many places and different spheres, whether they are in a majority in that place or in a minority. Nothing to speak of communal riots involving loot, incendiarism and violence, 30 to 35 murders of non-Mahomedan Sahukars have been reported in the course of a year. Life for non-Muslims is becoming uneasy in many rural areas with a Mahomedan majority. The MacLagan College affair should serve as an eye-opener to the British as well, who are inclined to placate their Muslim friends. Such a small affair, the occurrence of which had actually been denied by the principal, was made the subject of a serious communal struggle. Dr. Gokulchand, the Punjab's Minister

for Local Self-Government, has been heckled so much only when he attempted to reform municipal administration. Even a small incident like the removal of the Lyallpur municipal committee's secretary is sought to be made out a serious communal issue of the first magnitude. In some of the speeches in that connection Muslim speakers have declared their intention to take revenge on the whole of the Punjab if that secretary is removed.

"Do these instances indicate justice and fair play? What more can we expect if the rule of the province is entrusted to that community which is neither prepared to live as a peaceful minority nor desist from the aggressive spirit of a majority? It is on these grounds and several others that the Sikhs are not prepared to tolerate communal raj. Otherwise we have no grudge against the Mahomedans as a community. It will be seen that only recently, when an opportunity arrived, some of the prominent Sikh leaders cabled to the Secretary of State to appoint a Muslim as Punjab's Governor."

## THE MUSLIM-SIKH CONFERENCE

A Moslem-Sikh Conference met at Sardar Sohan Singh's house at Simla on the 8th. August to consider the future constitution of the Punjab and other connected problems. Some Sikh leaders felt that in view of the resolutions of the working committee of the All-Parties Muslim Conference passed at Delhi advising postponement of the proceedings at Simla, there seemed to be little objection to going on with the present conversation.

To this Malik Feroze Khan Noon who had attended the meeting of the Muslim Conference Working Committee replied that in his opinion the circumstances in which to-day's meeting was held were very different from any contemplated by the Muslim Conference Working Committee at its Delhi meeting. If at that meeting he and his colleagues had foreseen the changed conditions under which the Sikhs and Muslims had met to-day, he would never have recommended the postponement of the negotiations. The resumption of discussion to-day was, he said, entirely in accordance with the Working Committee at Delhi and the Muslims present to-day wished the conversation to continue. He undertook to write to each member of the working committee explaining the situation.

In view of the statement the meeting unanimously decided to proceed with the conversations. It was decided to appoint a sub-committee of the following to discuss and prepare a draft arrangement:—Raja Sir Daljit Singh, Sir Sunder Singh Majithia, Sir Jogendra Singh, Sardar Ujjal Singh, Sardar Sampuran Singh, Giani Sher Singh, Giani Kartar Singh, Sardar Sant Singh, Master Tara Singh, Sardar Masidar Singh, Sir Mahomed Iqbal, Sir Zulfikar Ali Khan, Malik Feroze Khan. Noon, Haji Rahim Baksh, Mian Shah Nawaz, K. B. Ahmad Yar Khan Daulatana, Malik Mohammad Din, Nawab Sir Mehr Shah, Rana Firoz Uddin. Maulvi Ahmed Ali.

The Sub-Committee met for three days only, from the 11th to 13th August, at Simla, but the negotiations did not lead to a successful result as there was a fundamental difference of opinion on the point that the Muslims insisted upon their clear majority over all other communities in the Punjab, while Sikhs were not prepared to entertain any such proposal. The Conference thereafter broke down.

## THE LYALLPUR SIKH CONFERENCE

The Sikh Conference was held at Lyallpur on the 17th. October, when Pandit Madan Mohan Malaviya appealed for national unity and mutual understanding as that was the only way to change the communal award. He said: 'We have solved a part of the communal problem by settling the depressed classes' problem. There was great oppression to the Government's award. Christians, Sikhs and Indian women are all against it and now the Muslims are also feeling against it and trying for its modification. I admit there are many Muslims in favour of the award, but the voice of the country is with us. We should try to find a settlement acceptable to all communities. The Muslims and Sikhs should conciliate each other.' He appealed to the audience to open temples to the untouchables and not give them a chance of complaint.

Raja Narendra Nath said he was accused by the Muslims to be the instigator of the Sikh opposition to the communal award. But he strongly denied the charge. The Montford Reforms gave separate electorates and the Government acquitted itself by

saying that their decision was based on the Lucknow pact. He pointed that the Tory Government was fond of separation on which a recent proof was the Ottawa agreement. When Maulana Shaukat Ali wired to the Viceroy his attention was drawn by his Excellency to the statement of the separatist leaders. He said the Hindus were the most aggrieved party as they were not given representation even according to their population. He could not understand why separate electorates were thrust on the Punjab when the minorities here demanded joint electorates. He appealed for an honourable settlement between the various communities.

#### RESOLUTIONS

Eight resolutions were passed unanimously at the Conference. The first expressed the opinion that the communal award was not acceptable to the Sikhs and urged that no constitution based on this decision be introduced. It also called upon every Sikh to oppose it with all his might if such a constitution was to be introduced in utter disregard of their demand.

This resolution was supported, among others, by Pandit Malaviya and Rai Narendra Nath.

The second resolution recommended to the Khalsa Darbar to take a plebiscite on the communal decision.

The third resolution called upon every Sikh to take to Swadeshi as the first step against the award.

The fourth resolution, while appreciating the negotiations set on foot for a communal agreement, urged that no precipitate steps be taken without ascertaining the views of all minorities.

The fifth called upon the Sikhs to carry on the struggle for swaraj in cooperation with the fellow communities.

The sixth urged upon the Government to revise the land revenue rates.

The seventh protested against rule by ordinance and the principles underlying the proposed Criminal Law Amendment Bill.

The eighth called upon the Sikhs to eradicate the curse of untouchability.

### THE BENGAL SIKH RIGHTS' CONFERENCE

The Bengal Sikh Rights' Conference commenced at the Town Hall, Calcutta on the 30th, November under the presidentship of *Sirdar Kharak Singh*. The hall was packed with delegates and visitors numbering about 600 including about 500 Sikh ladies. The proceedings commenced with Sikh and Bengali national songs.

After *Sirdar K. S. Bhaizada* had read messages appreciating the efforts of the organisers from *Sirdar Ujjal Singh*, *Sirdar Bhag Singh*, and others, *Sirdar Malook Singh Bedi*, chairman, welcomed the delegates in a neat speech detailing the purpose of the conference.

#### PRESIDENT'S ADDRESS

*Sirdar Kharak Singh* in the course of his presidential address said :—

"We have met here on a very grave occasion, an occasion of deep importance for the future peace and prosperity of the country. We have met here to consider what position we are to occupy in any future system of government which is now in the making. In 1928 a scheme of constitutional reforms was framed which was embodied in the Nairn Report and which completely ignored the rights of the Sikhs. Happily that report, in consequence of our agitation, was revoked in 1929 and Congress agreed "that in the event of a communal solution being found necessary under any future constitution no solution will be acceptable to the Congress which does not give full satisfaction to the Sikhs and other minorities." This is the promise held out to us, but at the same time we must recognise that this is a promise based on an undetermined future and would only be honoured if we have power behind our demand and we are in a position to enforce the covenant. Our object in being here to-day on the eve of the Allahabad Conference is to define our claims and to perfect our organisations so that our claim may have the support of an organised community behind it. I have always held that the only commendable ambition for us was to work for *Purna Swaraj* i. e. complete independence." Continuing *Sirdar Kharak Singh* said : "The authors of the report by demanding Dominion Status for India almost lowered the flag and dwarfed the ideal."

He added :—“An attempt has been made to divide the nation into separate watertight compartments and all this, in my humble opinion, to weaken the national demand and to make *Purna Swaraj* impossible in India. Democracy with separate electorates is a sheer mockery. The Sikh position is and has always been to have a non-communal national Government, but if communal considerations prevail then we must insist on even-handed justice being done to us. We are admittedly an important and distinct minority and though a major part of our population inhabits the Punjab our interests extend not only throughout India but to many distant countries of the world. Sikh shrines and holy places with charitable endowments worth millions are in existence throughout the length and breadth of India, from beyond the North-West Frontier Province to Assam and even in Burma and southwards into the territory of Hyderabad (Deccan) State. Historically we were the rulers of the Punjab. We have the largest stake. Our rights in Bengal, the U. P., the C. P., Sind and other provinces require adequate protection. We have ever stood by the national movement doing our utmost to help the national cause, and throughout communal controversies that have raged round the question of representation in the various legislatures of the country during recent years, we have always relied upon due recognition and just appreciation of the question of Sikh representation by our Hindu and Muslim brethren. But it pains me to say that our attitude has been misconstrued into acquiescence in an one-sided arrangement. It will be well to remember in this connection that the Sikhs' sacrifices and sufferings in national cause have been as much as eight times those of the Hindus and Muslims put together.”

“The Premier's decision, as even a child can see, is glaringly in favour of Muslims, Christians, Anglo-Indians and Europeans. For example, the Indian Christians, Anglo-Indians and Europeans, who profess the same religion, Christianity, are divided into different communities and the Government has strengthened their position by giving these communities separate representation with heavy weightage in the case of each community. The Europeans in Bengal though 25,000 in number are given 10 per cent representation in the Bengal Council, while Sikhs with 13 per cent of the Punjab population and paying 40 per cent of the provincial revenues, with thousands of their educational and religious institutions, with millions worth of charitable endowments have been placed in a position of subordination in a province which they once ruled and in which they have the largest stake. No wonder that there is a deep feeling of resentment sweeping the length and breadth of India against the irrational communal decision, and we believe it can never receive the approval of the world to force half the population of a province against its wishes into a position of perpetual subordination, and the world knows that the Sikhs have taken a vow not to submit to it.

“The inequity of the decision is further obvious from the fact that the Sikhs outside the Punjab have no place in the Premier's decision. In Bengal, the U. P. and other provinces the Sikhs are at least as important as the other minority communities, if not more. Yet the latter have been given representation more than they are entitled to and the Sikhs are completely ignored. Is this, I ask, an attempt to hold the balance between conflicting rights and claims? All that we ask is a fair field and no favour.

“While I am on this subject I must, with your permission, declare with all the emphasis at my command that the Sikhs have resolved to resist the introduction of any new constitution based on the Premier's decision. I am also aware of the fact that the decision has an air of finality about it. But who does not know that Lord Curzon's partition of Bengal was equally final. The partition of Bengal under pressure of public opinion had to be recalled and the world would see that the Premier's decision on the communal question remains a dead letter to be found only in the archives of public libraries. The communal decision of the British Government has already been condemned from hundreds of pulpits and platforms.”

## SECOND DAY—CALCUTTA, 1st, DECEMBER 1922

### Resolutions Passed

The Conference reassembling on the next the day, the 1st. December, the following resolutions were passed after discussion :—

“This conference emphatically declares its immediate goal as complete indepen-

dence for India and stands for a national Government based on the principle of joint electorate, with no reservation of seats for any community, throughout India, but in case communalism is maintained in any shape or form in any province, the Sikhs residing outside the Punjab demand similar representation and weightage as is given to any other minority community in those provinces.

"This conference strongly condemns the communal award of the Premier, which in the opinion of this conference, is highly detrimental to the best interests of the country in general and the Sikh community in particular.

"In view of the fact that Europeans and Anglo-Indians in the Punjab, Bengal, the U. P. and C. P. and other provinces are given reservation of seats in the local legislatures, Sikhs residing in provinces other than the Punjab i.e. the U. P., Bengal, Bihar and Orissa, Assam, the C. P., Bombay, Burma and Sind, may also be given the same rights and privileges in regard to their representation in the aforesaid legislatures and local bodies taking into consideration their numerical strength, their economic position and the revenue and taxes paid by them to the Government.

"Whereas the interests of the Sikhs in provinces other than the Punjab are at stake without adequate representation and weightage, this conference most emphatically impresses upon the Khalsa Darbar and the Sikh representatives at the forthcoming Unity Conference not to give their final consent to any settlement unless and until the rights and interests of Sikhs outside the Punjab are protected to their entire satisfaction.

"This conference fully appreciates the efforts of the conveners of the Unity Conference to establish peace and good-will between the various communities of India at Allahabad and prays to the Almighty that He may grant them wisdom enough to do full justice to the different communities of India.

"That a permanent body of representatives elected from each of the provinces outside the Punjab be formed with a view to hold an annual conference of all Sikh representatives, at such place and at such time as may be agreed upon by the said body, to promote social, educational, economic and cultural fellowship among the Sikhs residing in these provinces."

# THE CHRISTIAN CONFERENCES

## THE INDIAN CHRISTIANS' MANIFESTO

The following is the text of the manifesto (according to the "The Times of India") to the Christian community, issued by thirty-seven Indian Christian leaders, dated the 10th. October 1932 :—

It has become evident during the last few weeks that there is a considerable body of opinion amongst Christians in this country and specially amongst Indian Christians, which is opposed to the grant of a separate electorate to the Christians at least in the form laid down in the Communal Award. Three of the main reasons for this opposition are as follows :—

(1) The award stamps the followers of Jesus Christ as a communal entity with distinct political interests of their own, but it is the essence of the whole conception of the Church of Christ that it transcends all difference of community or race or caste in one all embracing brotherhood. Thus the inclusion of Christians in the Communal Award is a direct blow to the nature of the Church of Christ.

(2) The Award will act as a disruptive force within the Christian Church itself. In many electoral divisions the rival candidates will belong to different denominations and to different caste origins, and the elections will inevitably lead to the intensifying of denominations, differences and to the revival of old caste distinctions which are in the process of being forgotten. This has often happened in the past through the Legislative Council elections, and, under the present Award, is bound to happen again to the great damage of the Church.

(3) By the present Award, the Christians are cut off from the rest of the country. We are prevented from throwing in our lot with the whole nation and ranked as a particular sect seeking for its own protection. Now, even, if the matter be viewed from the point of view of self-interests, it is surely evident that the interests of Christians would be better preserved by their winning the sympathy and support of the country through a truly national outlook and spirit than by maintaining a very small body of special representatives in the Council chosen by themselves.

In fact we are bound by the principles of one religion to take a higher line than that of self-interest and to set an example of losing our own life to find it.

Government has announced its readiness to alter the Award in favour of any alternative proposals which command the general assent of the group concerned, and the purpose of this letter is to try to test the extent of the feeling which exists among the Indian Christians in favour of the abolition, or, at least, the modification of separate electorates for them.

The exact form of such alteration or modification would have to be settled by a Conference of representative leaders which could be called later, if the response to this and similar appeals seems to warrant it.

It certainly would not in the present state of Christian opinion be possible to dispense with reserved seats. What we ask at the moment is that those who, without committing themselves to the details of any particular alteration, would like to see the provision in the award of separate electorates for Christians changed, should send their names at once to Acharya, Christa Seva Sangha, Poona 5, who, is acting as Secretary for this purpose.

We would ask them also to make this letter known as widely as possible, so that the true position of Christian opinion on this subject may be, as far as possible, ascertained.

## THE INDIAN CHRISTIAN CONFERENCE

The Indian Christian Conference commenced its session at Poona on the 28th. October at the premises of the Servants of Indian Society. Dr. F. X. De Souza I. C. S. (retired). M. L. A. was voted to the chair.

Mr. A. Soares, one of the organising secretaries, made a statement about the genesis and purpose of the conference. The idea of the conference was to get prominent members of both the Catholic and Protestant sections from all over



India representing all points of view to meet and endeavour to arrive at some agreed conclusions. Mr. Soares had gone down to Madras to explain the object of the conference and after being assured of participation in the conference by several leaders including Rao Bahadur Pannirselvam, the secretaries issued invitations to about 85 Indian Christian public men in all the provinces.

A number of messages were read conveying the views of those invited to the conference who for some reason or other were unable to attend. Important among others were messages from Mr. N. Jordan, president of All-India Christian Conference. Dr. C. Mathu, Madras, Mr. S. O. Mukherjee, Calcutta, Prof. E. Ahmad Shah, M. L. C. Lucknow, Mr. E. Mayadas, M. L. C. Ferozpoor, Rai Bahadur N. K. Mukherjee, Allahabad, Mr. J. M. David, Registrar of the Allahabad University, Dr. E. Asirvatham, Professor of Philosophy, Lucknow University, Principal S. R. Roy, Ranchi, Mr. B. L. Rallia Ram, Lahore, the Rev. Mr. Nichols Roy, Shillong, the Rt. Rev. the Bishop of Kumbakonam, Sardar Rodrigues, Yeotmal, the Rt. Rev. the Bishop of Dornakal, Dr. Collaco, M.L.C. Bombay, Dr. De Monte Rebilco, Bombay. Almost all of them were in favour of joint electorate in some shape or other. There was also an important telegram from Mr. B. L. Rallia Ram, Secretary of the All-India Christian Conference saying that replies received from the members of the All-India Christian Conference Council favoured joint electorates with reservations. Largely signed statements disapproving of separate electorates and two telegrams, one from the Punjab Christian League and the other from a meeting held in Karachi supporting separate electorates were also read.

The conference then proceeded to discuss a draft resolution on religious and cultural rights, placed before the meeting. Considerable discussion ensued on the various points arising out of the draft and the conference agreed in general principles and appointed a small drafting committee to prepare a suitable statement of rights for the approval of the conference.

The Conference adjourned at this stage, but met again on the next day, the 29th. October with Dr. F. X. De Souza in the chair. A telegram was read from Mr. D. Thomas M. L. C. of Tinnevely, that Tinnevely Christians favoured joint electorates with reservation of seats. The adjourned discussion regarding the demand for communal quota for Indian Christians in services continued for an hour when it was found that opinion was evenly divided in regard to the propriety of making such a demand.

Dr. S. K. Datta was then called upon by the chair to speak on the electorate problem. The speaker briefly traced the history of communal electorate in India and explained the position he took up at the last Round Table Conference. Curiously he said the extension of separate electorate system progressed along with the increasing protestation in favour of democracy ever since the Morley-Minto reforms and the communal award was given at the request of the Consultative Committee in which Christians were not represented. Whatever the value of it might be for powerful minorities, such as the Europeans and Muslims, it was disastrous to the Indian Christians for whom the only safety was the goodwill of the majority. The greatest evil of the system was that it rendered difficult friendly negotiations with other communities. It did not really protect their interests, and it tended to maintain a dull average in isolated groups. Separate electorates for Christians existed only in the Madras Presidency and it was now being forced upon the community in the other provinces.

Mr. Chakkarai supported Dr. Datta by instancing the experiences from Madras.

Several members took part in the discussion, it being agreed that arguments in favour of joint and separate electorates were adequately presented to the conference. A committee of the following six delegates, representing both the views equally, was then appointed to prepare an agreed statement to be placed before the conference in the afternoon session. Dr. S. K. Datta, Mr. B. R. Chakranarayan, Dewan Bahadur Arogyaswami Mudaliar, the Rev. Mr. R. S. Modak, Mr. A. Soares and Mr. A. B. Tribhuvan. The committee came to unanimous decision which is embodied in the following resolution :—

"This conference after a discussion on the question of representation of the Indian Christians in the legislatures, finds that there was a general, though not unanimous opinion in favour of changing the communal award and appoints a committee consisting of Dr. De Souza, Dr. Datta, and Mr. B. L. Rallia Ram (Punjab) Mr. Arogyaswami Mudaliar. Rao Bahadur Pannirselvam (if agreeing) and Mr.

Chakkarai (Madras), Mr. A. Soares (Bombay), Mr. Salve (C. P.), the Rev. Mr. Nag (Bengal), Rai Bahadur N. K. Mukerjee (U. P.) and Mr. S. K. Roy (Behar) to meet the leaders of the other communities with a view to adopt a suitable alternative to the award.

The resolution was carried with loud acclamation.

The conference in concluding passed a resolution of thanks to the chairman, the organising secretaries, the Servants of India Society and others who helped to make the conference a success. The conference was then declared closed amidst scenes of great enthusiasm and the hall resounded with hearty cheers for the president, Dr. Datta, Dewan Bahadur Arogyaswami Mudaliar, Mr. Chakrasaranyan, the organising secretaries and others in which the visitors heartily joined.

#### Statement on Fundamental Rights

The following is the final form of the statement on Fundamental Rights which by agreement was recommended to be embodied in the constitution (resolution on religious and cultural right):—(1) Every person in the Indian Federation or Common-wealth shall be free to profess and practise his religion including the right of making conversions, and subject to public order and morality, exercise rights of public worship. (2) All communities or religious bodies and organisations shall by their duly constituted authorities be free to regulate their rites and worship and internal discipline without interference. They shall be entitled to acquire, own, transfer, hold in trust and administer movable and charitable and educational institutions subject to the general civil laws. (3) No religion or its followers shall be given a special status or preferential treatment in the matter of endowments or office, nor shall any disability be imposed on any one merely on account of change in religion. No one shall by reason of creed or caste be discriminated against in regard to public employment, office or honour and the exercise of lawful profession, trade or industry. (4) (A) Every community, religious organisation, educational association or private individual shall be free to establish schools and colleges for the purposes of religious and secular education. Institutions of secular education shall be subject to such general tests and conditions as may be prescribed from time to time to obtain recognition from the State and equitable grants-in-aid. (B) In case the State should as a matter of policy decide on State education for all classes and creeds, such communities as have conscientious objection to such common and neutral schools shall be allowed to maintain schools of their own and shall receive state recognition and grants-in-aid. (5) Family and marriage laws and recognised customs are hereby guaranteed, except when opposed to humanity, public order and decency. (6) No discrimination at all shall be exercised against foreign religious organisations carrying on religious, educational and charitable work in the country.

#### THE U. P. CHRISTIAN CONFERENCE

Presiding at the annual Provincial Conference of the Indian Christian Association held at Lucknow on the 29th. October, Mr. N. Jordan of Moradabad condemned the communal award on the ground, among others, that it made the Indian Christians a separate entity and the representation given to them by the Premier was not fair. He favoured joint electorates with reservation of seats on a formula similar to the Mohamed Ali scheme and certain other safeguards and suggested to the All-Parties Conference to arrive at a workable understanding. He also condemned the personnel of the third Round Table Conference as being packed with separatists and having no Christians on it. Referring to unemployment which was increasing among Christians, he thought that participation in the *Swadeshi* movement was the best remedy and expressed appreciation of the dignity of labour.

Dr. E. Ashirvatham, chairman of the reception committee, deplored the imitation of the foreign mode of dress, food and manners so common among Indian Christians and said that it was detrimental to indigenous interests. Advocating national unity, he declared: 'Let the whole of the Indian Christian community be wiped off rather than stand in the way of national progress.' Denouncing the Premier's award, he proposed unconditional joint electorates for the Indian Christians, in spite of the grievances of a section which scented danger from the Hindus. He added that even if the Hindus were bad as suggested, which they were not, they should, as Christians trust them since that alone could bring peace to India.

A resolution advocating separate electorates was rejected and the conference adopted one expressing a desire to 'cooperate with the other communities in working for an agreed settlement to replace the award on the basis of joint electorates with reservation of seats.'

The conference appointed a committee of 12 members to consider the proposals to modify the award that might be made by the accredited representatives of the other communities.

## THE ALL-INDIA CHRISTIAN CONFERENCE

The 19th. session of the All-India Conference of Indian Christians commenced at Nagpur on the 31st. December, *Dr. S. K. Datta* presided. *Mr. P. K. Salve*, chairman of the reception committee, in welcoming the delegates said the Premier's award had ignored his community inasmuch as the principle of weightage which had been granted to other minority communities had been denied to them. He further declared his faith in joint electorate for his community. They could not be brought into close association with the other communities under separate electorates. In spite of overwhelming evidence in favour of joint electorates before the Simon Commission and the Lothian Committee the communal award imposed separate electorates.

The *President* in the course of his lengthy speech said they were entitled to repudiate the communal award in so far as Indian Christians were concerned, as they had not been given adequate representation. He pointed out that Rao Bahadur Panirselvam had given out the whole case of Indian Christians in the Round Table Conference by entering into the Minorities' Pact. He urged different sects of Christians to unite in civic life, specially the youth to cooperate in attempts to make their central organisation and provincial branches much more stronger than they were at present. He suggested the formation of an action committee which would be prepared to take active measures in furthering their social, economic and political interests.

Referring to the constitutional advance, he said their judgment must at present be in suspense but suggested to the Government to release Mahatma Gandhi and other political prisoners, if they desired that the coming constitution should be considered in its proper perspective.

*Mr. Ralia Ram* proposed a vote of thanks to the delegation of Christians at the Allahabad Unity Conference and recounted the delegation's work expressing satisfaction with the agreement arrived at.

### Resolutions Passed

The Conference passed unanimously the following resolutions :—

"The Conference while not in a position to formulate a definite or well-informed opinion on the scheme of constitutional advance as it has emerged from the Round Table Conference and the important speech of Sir Samuel Hoare, places on record its conviction that no scheme will be acceptable to Indian opinion unless it contemplates a real and effective transfer of authority to the Central and Provincial legislatures. In its judgment the country recognises the necessity of such safeguards as may be shown to be demonstrably in the interests of India. However, it is of opinion that the safeguards as announced by Sir Samuel Hoare in his speech are excessive and unnecessary. This Conference supports the point of view expressed by Sir T. B. Sapru and Mr. Jayakar in their memorandum to the British Government as published in the daily press.

### RIGHTS OF MINORITIES

This Conference is emphatically of opinion that the rights of the minorities should be safeguarded by definite provisions in the statute and by the creation of central and provincial inter-communal boards or bureaux. It is opposed to the method of dealing with this subject by giving special powers to the Governor for this purpose. The Conference has noticed with keen disappointment the flagrant neglect on the part of the Government to nominate on the third Round Table Conference a representative of the Indian Christian community, the third largest community in India.

### COMMUNAL SETTLEMENT

"This Conference notes with great satisfaction and hopes for the success of the sincere and determined efforts of the leaders of the various communities in the

direction of arriving at a mutual agreement on national and communal issues. It hopes that this agreement based on the recognition of each other's legitimate claim will pave the way to the removal of communal fear and distrust and the realization of the true goal of a united India.

#### NEGOTIATIONS WITH CATHOLICS

"This conference considers it essential that there should be true co-operation and united action between the Catholics and Protestants, concerning all civic matters and the participation of Indian Christians in the public life of the country. It, therefore, appoints a committee consisting of Dr. S. K. Datta, Rai Bahadur A. C. Mukerjee, Rai Bahadur N. K. Mukerjee, the Rev. B. Bhaskare, Mr. Oliver, F. E. Zacharias, Mr. Balasingham Setya, Mr S. C. Mukerjee, and B. L. Rallia Ram, to negotiate with the Catholics, and in conjunction with them devise ways and means to organize the community more effectively. The Conference authorizes the committee to agree to all necessary changes in the constitution of the All-India Conference of the Indian Christians to meet the Catholics, or to create a new organization if necessary.

#### FAITH IN JOINT ELECTORATES

"This conference reiterates its previous resolutions declaring that separate electorates are inimical to the best interests of the nation and the community. It reaffirms its faith in joint electorates with reservation of seats for a period of 10 years.

#### REPRESENTATION IN LEGISLATURES

"The conference places on record its appreciation of the work of the Indian Christian delegation to the Unity Conference. It expresses its full confidence in them. It supports the submissions made by the delegation to the Unity Conference, namely,

(1) That in Madras the Indian Christian community be definitely mentioned in the agreement as an important minority community.

(2) That seats in the legislatures be reserved for Indian Christians as follows :— Central Legislature 2 percent., Bengal 2, Assam 2, Central Provinces 1, Punjab 3, Madras 12, United Provinces 2, Sind 1, Bihar and Orissa 2, Bombay 3.

#### IF UNITY EFFORTS FAIL

"In case the efforts of the Unity Conference at Allahabad do not meet with success, or the agreements arrived at by it are not acceptable to His Majesty's Government, this conference recommends that the Indian Christian civic organisation of the provinces endeavour to come to a settlement with the community or communities concerned in the general constituencies, on the basis of joint electorates with reservation of seats.

#### MAHOMED ALL FORMULA

"The following resolution be received and remitted to provincial branches for consideration :—'This conference places on record its conviction that the Mahomed All formula in any form to any extent in the system of joint-electorate is prejudicial to the best interests of the Indian Christian community and consequently rejects it in its entirety.'

#### RELEASE OF POLITICAL PRISONERS

"The conference is emphatically of the opinion that Mahatma Gandhi and all civil disobedience movement prisoners should be released forthwith. This is essential if the good-will or cooperation of India is to be secured in working the new constitution.

# THE WOMEN'S CONFERENCES

## THE C. P. WOMEN'S CONFERENCE

The sixth session of the C. P. South Women's Conference was held at Nagpur on the 26th. October in the Regent Theatre under the presidentship of *Mrs. Yamunabai Hirlikar* of Bombay. *Mrs. Cama*, chairman, reception committee, in welcoming the delegates impressed upon the gathering the greater need of education among women and demanded more representation to women on the local bodies.

The president, *Mrs. Hirlikar*, in the course of her speech, pleaded that women should be so educated as to develop their physical, intellectual and practical side in order that they may be self-supporting and help their men-folk in national or domestic emergencies.

Touching co-education, the president expressed herself in its favour where no provision could be made for separate education of girls. The president referred next to the numerous social activities that needed help from Indian womanhood, such as, the removal of untouchability, inter-religious unity and promotion of inter-caste marriages and strongly pleaded for the rigid observance of the Swadeshi cult. expressed her appreciation of Prof. Karve's services in the cause of higher education of women and also, the work of Pandit Malaviya's Hindu University and Dr. Tagore's Vishwabharati. After wishing success to the local newly started College for Women, she suggested that the All-India Women's Conference should affiliate itself to foreign institutions working on the same lines, so as to make considerable progress. Concluding, she said that their prominent institutions always supported joint electorate, which however had been ignored in the Premier's Communal Award, and she advised men and women to demand adult franchise to solve the vexed problem of electorates.

### RESOLUTIONS

Resolutions wishing long life to Mahatma Gandhi for his efforts in the cause of eradication of untouchability, urging the Government to take over the control of primary girls' schools from such local bodies as were inefficient to run them, demanding more money to be spent over women's education both by the Government and local bodies, enjoining upon women to adopt Swadeshi to rid the country of its economic poverty, demanding better housing facilities for women teachers in villages, asking for compulsory physical training for girls, urging for the removal of untouchability from the Hindu society and proposing the boycott of the Legislative Councils as long as representation to them was based on communal lines were adopted.

## THE OUDH WOMEN'S CONFERENCE

Presiding at the sixth annual conference of the Oudh Constituency of the All-India Women's Conference on Educational and Social Reforms, held in the Lalbagh Girls' School Hall, Lucknow, on the 22nd. October, *Mrs. E. M. Nanavutty*, wife of Mr. Justice Nanavutty, judge of the Chief Court of Oudh, Lucknow said :

During the last ten years I have watched with intense interest the breach that has been made in the purdah wall, and nowhere in Oudh is the advance more marked than in Lucknow which is the social (if not the political) capital of the United Provinces of Agra and Oudh. On behalf of the conference I welcome the advance made by the Mahomedan and Hindu ladies of these provinces in coming out of purdah and courageously discarding deep-rooted and ancient prejudices. A great deal of credit is due in the first instance to the Women's Conference held in 1926 in Poona, the old capital of the Peshwas. At that conference for the first time purdah women came out strongly with their views and openly denounced the purdah. This was the first and most successful attack on the purdah system and we ladies are very grateful for this courageous attempt to get rid of the purdah.

As a practical step here in Lucknow I may mention the efforts of the enlightened and devoted ~~and devoted~~ <sup>and devoted</sup> professors of the Lucknow University who started the

Gomti Club and made it a settled and unbreakable rule to their club that no man could become a member of their club who did not bring his wife or his grown-up sister or daughter or other near relation of his out of purdah. It was a very clever move to destroy the purdah and it has deservedly met with great success, and the thanks of the ladies of Lucknow are also due to the organisers of this club.

We are living at present in very stirring times. Great and far-reaching changes are taking place in India. The changes are not only political but social and economic. Mr. Gandhi has been influencing the social and political destinies of India during the last decade and more. This is not the time nor the place to speak of his political activities, but I voice your own sentiment when I say emphatically that we are deeply beholden to him for his social activities. Only last month by his fast for one week he performed a miracle the like of which has never been witnessed across the length and breadth of this fair land of ours. At one stroke he smashed untouchability and lifted the unfortunate and degraded members of the so-called depressed classes to the level of the high caste or twice-born Hindu. This was a social advance that could not have been achieved under ordinary conditions in less than a century. The tremendous moral pressure exercised by Mr. Gandhi upon the minds of high caste Hindus and of the members of the 'depressed' classes alone made such an advance possible, an advance which is nothing short of miraculous. And need I say how very grateful we all are for this enormous stride in social progress and all its implications? Hindu society has been strengthened; high caste Hindus and low caste have been welded together into one solid community; and while the Hindus are in this chastened mood of exaltation and purity of mind and heart, I have great hopes that my Hindu sisters will, through their menfolk, make a very generous offer to the members of the sister community, and just as they won over the members of the depressed classes, will win over the members of the Muslim community and will live in bonds of perfect amity and peace with them. Then alone shall we have a united India fit for some form of democratic self-government. No social progress worth the name is possible unless Hindus and Muslims work hand in glove together. Whether one worships in temple or in a mosque is a matter for one's individual conscience, but in all social matters (as in economic and political) Hindus and Muslims must work in unison.

There is another matter upon which also I feel very keenly and about which I like to say a few words. I shall perhaps never again enjoy the opportunity of speaking my thoughts to such an audience as this, and on so privileged an occasion. I may be pardoned if I speak about an institution which, though familiar to you all and tolerated by you, carries to my mind the seed of much social evil in India. I refer to the institution of polygamy sanctioned by the Hindu Shastras and by the Koran. My knowledge of the sacred books of your religions is, to say the least, very slight, but this much I do know that the Koran and the Shastras do not enjoin upon any man as religious duty the duty of marrying more than one wife. Whenever a man does marry a second wife in the life time of the first wife he does so of his own free will, and not as a matter of religious duty. In my opinion, under modern conditions, this system of polygamy as practised in the old world is an anachronism. Though the ancient faiths of the Hindus and of the Mahomedans permit their followers to practise polygamy, yet such polygamous marriages should be severely discouraged and the parties contracting such marriages should receive condign social censure if India is to make any advance in social progress. The spiritual unity of our Indian home is broken up with the advent of a second wife. The sad thoughts of the poor discarded and forsaken first wife can be better imagined than described. The psychological effect on the mind of the children by the first wife of their father's conduct towards their mother are also most disastrous. The children grow up with warped minds and with a sense of wrong and of injustice forever ranking in their minds. There are many other evils attendant on polygamous marriages which are too well known to you all for me to dilate upon them and I would, therefore, like you all to make a determined effort to render this practice of polygamy obsolete in every home in India.

Another crying evil which calls for immediate reform is the very high death rate of mothers and of infants at the time of child birth. It seems to me that the curse of woman is on India. The cry of oppressed Indian womanhood never fails to reach the throne of God and never goes by him unheard and unanswered. This state of things is a great blot on the manhood of India. The majority of Indian

husbands, much as they love their wives, do not apparently seem to care for the health of their wives and of their children. Nature never allows any offence against it to go unpunished and many of these unfortunate wives pay for their ignorance and for their offence against the laws of Nature with their lives. This is a very deplorable state of things. Education in the matter of hygiene and of personal cleanliness and sanitation must be taught to take care of the health of his young wife and made to realise the dignity of wifehood and of motherhood.

The whole subject really centres upon the education of the young. The purely literary education that is given to our boys and girls in our schools in India is not enough. Home education and home influences are of prime importance in the building up of character. Not only should religious and moral teaching be imparted to their children by the parents, but the art of right living should also be taught to them by precept and principle. An Indian home can thus be made a real abode of love and of self-sacrifice, each member of which is working for the good of all the other members of the household.

As for our schools for girls in India, I am afraid we have not yet got the right type of girls' schools in India, nor are we producing to-day the right type of womanhood in India that would be a glory to the India of the near future. Indian ideals of life and conduct are rapidly undergoing many changes, but our educational institutions and our Indian homes have not taken any serious notice of these changed conditions. The result is much unhappiness in the younger generation. Schools and colleges have not adapted themselves to the needs of the present day. Instruction smothered the moral and spiritual sides of life finds no place in the curricula of our schools and colleges. Religious teaching, of course, cannot be given in any Government school or college, but some form of instruction which would awaken in boys and girls their dormant sense of justice and fair play, their love of truth and their spirit of reverence and of worship can readily be given. It is necessary to awaken in young minds the power of looking beyond the sordid and the mundane, the power of right thinking, the inward uplifting and unnoted sacrifice and the secret of honour. These are the factors that go to the making of character. New truths can only be welcome by free minds and free minds make brave men and brave women. It is only thus that prejudices will be disarmed and fresh principles will be set afloat and supported by the right reasons. I feel strongly on this point. Our educational code is defective when it only caters for the intellectual needs of the pupils and neglects their moral and spiritual yearning. Our homes also require special attention, for our homes are the units that go to make up our society. In every nation the women are the bedrock of society and if we can put our homes on a loftier level and make our Indian sisters realise how much the ordering of a beautiful home depends upon our own hands, the solution of social problems will become ever so much easier for us.

And here I feel I must offer on your behalf our grateful thanks to the U. P. Government for appointing women on the educational committee, and I trust that this committee will now take up the matters touched upon by me above at their earliest convenience. This conference will also be most grateful to the Government if they appointed a committee for mass education in villages, and for rural uplift, for in this matter it is most necessary that the gulf between the urban and rural areas in the matter of education should be increased.

There are very difficult times ahead of us. There is a great social revolution silently working in our midst. We are to-day undertaking more responsibility on our shoulders than did the women of a generation ago. Our elders in our homes have to take notice of these outlooks in our social life and they have to adapt themselves to the requirements of our changed conditions, and to remodel their standards of work in the light of these altered outlooks on life. The women are now taking part in the civic and political life of the country, besides doing work in social and educational spheres. Indian mothers have now not only to look to the rearing and training of their children in their childhood, but they have also now got the charge of bringing up their daughters from girlhood to womanhood. The proper discharge of this difficult function requires great qualities of head and heart, and upon the right discharge of this difficult task depends the future welfare of Indian society. Over the ancient ideal of a Hindu marriage being a sacrament has been superimposed the modern conception of companionship in marriage and our modern ideal of marriages is one in which the wife is to be a true and faithful companion of her husband, sharing his joys and worries, taking an intellectual interest in his daily work and helping him in every way with womanly sympathy

and tact to the best of her ability. Freedom of choice in marriage is a necessary concomitant of the ideal of companionship in marriage, and widow marriages are now allowed among Hindus. Indian girls now claim equality with men in their professional careers. These are revolutionary changes. They amount to a transfer of Government to a change of dynasty in the historic realm. The enthronement of the wife in the seat formerly occupied by the mother-in-law heralds a new epoch in the social history of India.

Before I conclude I would like to say a few words on some of the resolutions that are going to be moved in this conference. A resolution will be placed before you setting forth some of the practical steps which ought to be taken for giving better effect to the enforcement of the Sarda Act. I am wholeheartedly in favour of all amendments of the Sarda Act which would make the Act more effective in its practical working ; but Hindu and Mahomedan sisters, I would like you to understand that your first concern in this matter should be to get rid of two old Bengal enactments which have long ago received the sanction of Parliament and have been put on the Statute book. These old enactments must now be repealed and steps should be taken to get them repealed so that there may be no legal obstacle to the enforcement of the present Act, and its validity cannot be successfully challenged in any court of law as was recently done in the Calcutta High Court in an appeal from a decision of the chief presidency magistrate of Calcutta.

As regards the resolution concerning the encouragement and development of indigenous industries, my idea is that we should certainly encourage indigenous industries, but not at the expense of beauty or durability of the article manufactured in this country. The artistic sense of us Indians must not be dulled or destroyed merely for the sake of encouraging indigenous industries.

With reference to the resolution regarding the Bill for the Suppression of Immoral Traffic in Women in these provinces, while I am entirely at one with the mover of the resolution, I must remind you that before we ask the local Government to pass this bill into law, we have to win over our menfolk to our side and to convince them of the soundness of our cause ; for in this matter so far as the majority of men are concerned, the saying of the Roman poet, 'I see the better path and follow the worse' is quite true, and they have to be won from their grosser selves before they will join forces with us to get this bill passed into Act.

#### RESOLUTIONS

The following resolutions were passed by the conference :—

The conference requests the Education department and the heads of educational institutions to organise refresher courses for primary school teachers in the United Provinces. It also suggests similar courses to be organised for primary school teachers in all provinces in India.

The conference expresses its deep sense of gratitude to Mahatma Gandhi for his unique services to the cause of the depressed classes and calls upon Oudh women to do everything in their power to remove the disabilities under which they labour.

The conference wholeheartedly support the bill recently moved in the Council for the suppression of immoral traffic in women.

The conference suggests that any member of the public should have a right to report any marriage taking place contrary to the Sarda Act to the nearest police station and a sub-inspector should be deputed to investigate facts and report to the sub-divisional magistrate for action.

The conference urges the formation of committees of educated women in all cities for conducting classes to impart elementary education to women and girls in rural areas.

#### THE TRAVANCORE WOMEN'S CONFERENCE

The Travancore constituency of the All-India Women's Conference on educational and social reforms was opened at Trivandrum on the 12th. November by Mrs. Austin, wife of the Dewan, who in her presidential address gave them as a watchword 'coordination of activities' and paid a tribute to the junior Maharani.

The Junior Maharani of Travancore in a message to the conference said : 'Let me assure this meeting of my interest in the work of the All-Indian Women's



Conference and my solicitude for its continued progress and usefulness. As constituent member of this conference you have to deal with many important problems, both local and all-India in character, and I wish you all success in your task.'

#### RESOLUTIONS

The conference adopted a resolution suggesting the formation of a separate and definitely political organisation for such women as were willing and able to participate in political activity, since the constitution of the conference did not allow of entrance into politics of its members. The resolution excited considerable discussion. It was opposed on the ground that they could not separate politics from other questions into clear-cut compartments while its supporters said that active participation in politics was excluded from that sphere of the conference and Government servants who were members of the conference could not take part in political discussions.

The conference by 97 votes to 25 defeated the motion for the enactment of a Civil Marriage Act to validate inter-communal marriages, one of the speakers opining that such legislation could be justified only as a solution of the husband problem.

The conference humbly prayed to the Maharaja to remove untouchability from the state and called upon women to cooperate with movements to this end.

### THE ALL-INDIA WOMEN'S CONFERENCE

The seventh session of the All-India Women's Conference was held at Lucknow on the 28th. December under the presidency *Lady Ramanbhai Neelkanth* of Ahmedabad. About 300 delegates attended the conference. Among those present being *Lady Wazir Hasan*, *Mrs. Nanavutty*, *Mrs. Muthulakshmi Reddy*, *Mrs. Kailash Srivastava*, *Begum Habibullah*, *Rajkumari Amrit Kuar* and *Mrs. Hansa Mehta*.

In the course of her presidential address, *Lady Neelkanth* said that the first and foremost work they had to take up was the removal of illiteracy and with this object in view the Government should be urged to introduce primary education on a compulsory basis. She suggested the establishment of schools for vocational training, adding that in a country like India there should be various educational institutions to suit the needs and aptitudes of different people and pointed out that in secondary and higher education the greatest impediment was the medium of a foreign language. She asked those present to try and ensure that this 'preposterous' system was put an end to and also suggested that particular attention should be given to the physical development of children.

In suggesting these reforms in the educational system, she said that the one thing which should never be lost sight of was that they should always have a high ideal before them.

Coming to the question of social reform, she referred especially to the existing marriage customs and said that legislation was necessary to eradicate the caste system which was the cause of most of these evils. Here, too, she said, mass education was necessary in order that people might see for themselves what was wrong with the prevailing practices.

Speaking in this connection she referred to the provisions of the Sarda Act which, she added, had been found to be defective in practice and urged the Conference to draw the attention of legislators to this fact. She also stressed the need for making marriages dissoluble in extreme cases and in conclusion urged the removal of the disabilities of women under the existing Hindu law of inheritance.

*Dr. R. P. Paranjpye*, vice-Chancellor of the Lucknow University, who was present by invitation, addressing the conference, expressed his sympathy with the efforts which the conference had been making to advance the cause of women. In these days of democracy and popular education, he said, women could not be confined entirely to those activities to which alone they were supposed to devote themselves up to the present time. 'It is because we feel that the best can be obtained of every human being by giving the fullest measure of liberty consistent with an equal measure of liberty for others that we, men, welcome your activities and wish them the greatest measure of success. I trust that the decisions you come to in your conference will be founded on this fundamental principle of liberty for all and that you will not allow any other considerations to influence your judgment.'

He added that it was a happy augury for the future of India that women had almost unanimously protested against being made into separate constituencies and thus helping to split the country into water-tight compartments, and that he looked forward to the time when in education, as in other matters, there would be the same liberty given to women as to men, without imposing any artificial restrictions.

*Justice Bisheshwar Nath Srivastava* said that there could be no true progress and advancement in the country unless hand in hand with progress among men there was corresponding educational and social advancement among women. The All-India Women's Conference had been doing real service in the cause of the country's uplift and the part which it was playing in nation-building work was most praiseworthy.

#### RANI RAJWADE'S ANNUAL REPORT

In her annual report *Rani Lakshmbai Rajwade*, honorary organising secretary stated that the All-India Women's Conference had completed the sixth year of its existence. It had been momentous from many points of view as the women of India had had to deal with the vital question of the determination of their franchise and representation in the future constitution of the country. She referred especially to the evidence given by *Rajkumari Amrit Kuar* before the Indian Franchise Committee on behalf of the Conference which was applauded as being the most correct and courageous exposition of women's case in this country but expressed disappointment at the fact that the demands of the Conference had not been accepted by the committee whose proposals had included those expedients which the Conference was at pains to avoid. She also referred to the communal award which, she said, had removed the last vestige of hope so far as women's case was concerned and which had served to bring home to them the necessity of further strenuous and concerted action to attain their ends. Reference was also made in the report of the achievements of the Conference during the past year, such as the establishment of *Lady Irwin College* for women at Delhi and the formation of two new constituencies in Kashmir and the N. W. Frontier Province as well as the work of social and educational reform which had been carried out by the various constituencies.

The question of providing for divorce in Hindu society had received considerable attention from a majority of the constituencies, while the demand for wholesale removal of untouchability and compulsory primary education had been universal. The promotion of indigenous industries by holding Swadeshi exhibitions had been an important feature of the work during the past year and great interest had been taken in the working of the Sarda Act.

#### Proceedings & Resolutions—25th. to 31st. December 1932

##### RESOLUTION ON BIRTH CONTROL

Many and varied were the subjects discussed at the Conference during the next three days after which it terminated. Important resolutions affecting the social status of women were the subject-matter of keen discussion. A noteworthy feature of this conference was the passing of a resolution on birth control with only seven dissenting votes which was a triumph over the conference of last year when it was defeated by an overwhelming majority of votes, only seven voting for it.

##### RESOLUTION ON FRANCHISE

The resolution on franchise ran as follows: "This conference fully adheres to the stand it had taken in regard to the question of franchise in all its bearings as pertaining to the status of women in the future constitution of India. It expresses its firm belief in perfect sex equality and demands that women shall possess equal citizen rights with men. No disability, either legal or social, shall attach to women on account of sex in regard to public employment, office, power or honour and in exercise of any trade or calling. It was moved and seconded by *Dr. Reddy* and *Mrs. Maneklal Premchand* respectively. The resolution was carried.

##### COMMUNAL ELECTORATE CONDEMNED.

*Rajkumari Amrit Kuar* moved:—

"This conference stands united: (I) in its protest against the communal award as touching the womanhood of India and (II) in its demand for a system of joint electorates."

*Mrs. Asaf Ali* opposed communal representation. She said that among women those differences which separated men did not exist. 'We hate those things which separate people into compartments or parties. We want no unworthy or incapable woman to represent us, no matter what her rank in life may be. Her patriotism and individual merit are the only things to qualify her for public office. Each voter should have the right to vote for all candidates regardless of sect or race.'

Begum Habibulla, Miss Khadijah, Begum Ferozuddin, Begum Sakina Mooyyad-Zadah and Hajia Taj Begum opposed the resolution.

*Mrs. Brijlal Nehru* claimed that Hindus were interested in the welfare of Moslems and that Moslems likewise were interested in the welfare of Hindus. As women, she declared, they all laboured under the same difficulties. Therefore, she exhorted them all to work together to get rid of the common troubles, and to show that they were ahead of men by voting for this resolution.

A delegate from Hyderabad (Deccan) said: 'In our state we have no communal feelings. We all work together.'

*Mrs. Hansa Mehta* said: 'Our conference has always been united. The communal award will divide us, Indian women. But we do stand for certain ideals and from these ideals we will not budge. No separate electorates and no award is going to separate us.'

*Dr. Reddy* said: 'The conference has always stood for the unity of Hindus, of Moslems, of Parsees and of Europeans. Our ideal is to be united. Facilities for education thus far are lacking but the woman's heart is large and goes to all people in their time of need. As regards women's problems we are the best judges.'

The resolution was passed with only four dissenting votes.

#### INHERITANCE

*Rani Rajwade* moved:—"This conference strongly urges the abolition of all legal disabilities affecting the rights of inheritance of women. It places on record its high appreciation of Sardaji's efforts in this direction."

In proposing the resolution, *Rani Rajwade* said:—"The laws of inheritance are very limited in Hinduism. There are two sets of laws: "Dayabhag" which is prevalent in Bengal and allows the women to inherit during her own life-time only, and the "Mitakshara" prevalent in Bombay and other parts of India which allows property to be passed on to the woman's heir. There is also "Stree Dhan" which means property given to a bride at the time of marriage and which really belongs to her. This is really Hindu law but custom has more or less cast it aside. Nevertheless a woman has this right and can bring a law suit to obtain this property. The Sarda Inheritance Bill failed to pass through the Assembly because of the lack of interest shown by the public. As regards Islamic Laws the Quoran does give a woman a big part in inheritance but in practice these laws are not carried out. One objection on the part of men to our resolution is that by demanding new legislation women will become rebels and will resist the authority of men. The men need not fear because the spirit of self-sacrifice is so deeply ingrained in women's nature that she will always be reluctant to harm her own people. The knowledge that her rights are being upheld will raise her position and that is of the greatest importance."

*Mrs. Phulavati Shukla* referred to the inheritance rights of Burmese women as reported in the Asian Conference as being much better than the rights of women in India. An unmarried girl had no right whatever at the death of her father. In the joint family system girls never had any rights. During the life of her husband women were treated very well but afterwards their condition was most deplorable.

*Mrs. Kamalamma Dasappa* (Mysore) stated that a law ensuring full property rights to women had recently been passed in both houses of the Mysore State un-  
----- The way was prepared by a big women's meeting in Bangalore with Mrs. Menon as president and at the meetings of the Assembly all visitors' seats were filled with women, thus showing their great interest. She then gave the details as to what the law provided for women.

*Mrs. Anna Chandis* from Travancore stated that in her community (Christian), women did not have property rights different from those of Hindus. They too were fighting for equal rights. The resolution was adopted.

## DIVORCE

*Dr. Mrs. Sukthenkar* moved :

'(a) This conference is grateful to Sir Hari Singh Gour for having taken up the question of reform of Hindu marriage and recommends that his Marriage Dissolution Bill may be amended on the lines of the Baroda Divorce Act.

'(b) This conference is of opinion that the prevalent practice of divorce among Mahomedans, in so far as it allows an arbitrary power to the husband to divorce his wife at his mere caprice, is not in accord with the true interpretation of Islamic teaching, and places on record its considered opinion that the right to divorce as conceded by the Islamic law of Moslem women be recognised by the British courts.'

*Dr. Mrs. Sukthenkar* said :—According to the present Hindu Law a man could leave his wife for any cause and marry as often as he desired ; a woman could do nothing. It was stated that a woman might have a divorce on the grounds of imbecility or leprosy, but how could she prove it ? The right of divorce should be granted to her for the important reasons proposed in the resolution.

*Mrs. Sarojini Mehta* seconded the resolution.

*Mrs. Kanalaratnam* said :—Divorce should be granted under certain conditions. There should be one standard of morality for both sexes. The purpose of the resolution was not to destroy happy marriages. It was only to bring relief in cases of cruelty to deserving and suffering women.

*Begum Sakina* from Calcutta spoke in favour of the second half of the resolution.

*Mrs. Imtiaz Fatima* said : "Men do abuse the right of divorce and women are helpless. The wife should stand up for her right by foregoing her dowry. Islamic law is all right if it is correctly observed according to the second portion of the resolution."

*Mrs. Faridoonji* said : 'We oppose polygamy. The misery of the first wife when her husband brings in other wives defies description : How long shall this patient suffering continue ?'

The president, *Lady Neelkanth* stated that the fears of those present, who were against divorce were groundless. All that the resolution desired was to provide a remedy for those women who were in extreme need of relief from suffering. If a woman wished to stick to her husband she was at perfect liberty to do so ; the only object was to provide an optional course of action for extreme cases.

## BIRTH CONTROL

The following resolution on birth control was introduced by *Mrs. Deshpande* :

'This conference feels that on account of the low physique of women, high infant mortality and increasing poverty of the country, men and women should be instructed in methods of birth control in recognised clinics. It calls upon all municipalities and local bodies to open such centres and invites the special help of the medical authorities toward the solution of this important problem.'

A very heated debate followed. The argument for the resolution was based on the fact of high infant mortality and the excessive poverty of the majority of the population of India. In supporting the resolution *Dr. Reddy* said ; 'In India there is too much marriage mania. The common idea is that girls are born only to be married. This attitude does not make for the health and strength of either the mother or the child.'

*Miss Ferozeuddin* in opposing the resolution declared that such a teaching would mean the destruction of our country. If the population of this country was too great to be supported in healthy and sanitary surroundings, the only way to limit the population should be by the practice of self-control. Self-control and self-discipline under all circumstances in all kinds of work were necessary to develop character.

The resolution was passed with only seven dissenting votes.

## UPLIFT OF DEPRESSED CLASSES

Among the other resolutions passed were the following :—

"This conference strongly condemns the practice of untouchability and calls upon the public and upon women in particular to work whole-heartedly for the abolition of this evil and strongly supports the demand for the opening of temples, the common usage of wells and roads and equal admittance to schools and other public institutions for the so-called untouchables.

This conference congratulates all the States that have opened their temples to the so-called untouchables and makes a special appeal to Travancore to follow their good example and thus give the lead to South India.

This conference whole-heartedly supports the Anti-Untouchability Bill to be introduced in the Assembly and the Madras Council and appeals to His Excellency the Viceroy and the Government of India to give their immediate assent to the same.

The office-bearers elected for the following year (1933) were:

*Chairwoman*—Dr. Muthulakshmi Reddy.

*Treasurer*—Mrs. Manik Lal Prem Chand.

*Organising Secretary*—Rani S. Lakshmibai Rajwade.

*Vice-Presidents*—Rajkumari Amrit Kaur, Lady Mirza Ismail, Mrs. Brij Lal Nehru, Mrs. Rustumjee Faridoonji, Mrs. Hansa Mehta and Begum Wasim,

*Social Secretary*—Dr. Malini Sukhtankar.

*Educational Secretary*—Mrs. Menon.

## THE ANDHRA PROVINCIAL WOMEN'S CONFERENCE.

The sixth session of the Andhra Provincial Women's Conference held at Rajahmundry, concluded its deliberations on the 13th. November late in the night at about 9.30 p.m. From 4 p. m. on the 12th instant the conference discussed various resolutions. Some of the resolutions were passed without much discussion but on the resolutions relating to birth-control and divorce there was some discussion in which several prominent ladies took part.

On the 13th afternoon many women belonging to the Harijan community attended the conference. The same night the delegates, members of the Reception Committee and others including Hindus, Muslims, Christians and all the different communities including Harijans sat at a cosmopolitan dinner.

The Police, Boy Scouts and Girl Guides co-operated in maintaining order and in ministering to the needs and conveniences of the delegates and the Reception Committee.

Resolutions relating to the education of women urged on the authorities and local bodies the need for introducing compulsory elementary education in every town and village, the establishment of a college for women of Andhradesa, making vernacular as the medium of instruction in secondary schools, compulsory teaching of Hindi in schools, establishment of industrial schools, provision of women's hostel at the Vizagapatam Medical College and exhorting people to encourage national institutions and urging the necessity of establishing a separate Ayurvedic College for Women.

The Conference congratulated the Assembly on having rejected all the amendments to the Sarda Act and urged the starting of vigilance committees to take action in cases of violation of the Act. The Government was requested to repeal the clause requiring Rs. 100 deposit for persecution. The Conference asked for adult franchise irrespective of educational or property qualifications, joint electorates, and the extension of the Brothels Act to the whole of the Madras Presidency and freeing devadasis from obligations of service in the temples. The Conference expressed its sympathy with the attempts of leaders to achieve communal unity. The Conference appealed for the removal of purdah, the amelioration of the depressed classes, support to Mr. Harbilas Sarda's Bill relating to widows' inheritance rights, reduction of expenditure on marriage, the establishment of orphanages and poor houses and child welfare associations in every town and village, the founding of a maternity fund and the provision of playgrounds for women.

The Conference opined that there was need for the formation of a committee of lady doctors for preaching to the people methods of regulating births. The Conference expressed its gratitude to Dr. Gour for having introduced the Divorce Bill and opined that divorce should be granted to women on grounds of insanity, impotency, leprosy and ill-treatment.

The Conference resolved that social reform samitis be formed for propagating social reform in Andhradesa with headquarters at Rajahmundry. (From the 'Hindu').

# THE EUROPEAN & ANGLO-INDIAN POLITY

## EUROPEANS AND THE R. T. C.

The All-India Council of the European Association in India which met on the 24th. October 1932 came into important decisions as to the instructions to be given to its representative Sir Hubert Carr at the third R. T. C. which are set out in the "Review of India" for November as follows :—

On the 24th October, 1932, the Council of the European Association met in Calcutta to discuss, amongst other things, the instructions to be given to the Delegate at the Round Table Conference. The meeting was fully representative and lasted for three days.

The Memorandum on Policy which was formulated in 1931 was resurveyed and amplified, and a Supplementary Memorandum was approved together with a list of Council resolutions, to form the basis of instructions to Sir Hubert Carr.

As so many prominent men are at home at present the Council took the opportunity of appointing an Advisory Committee which will be able to assist and advise Sir Hubert Carr on specific points when the necessity arises. The following names were suggested by the Council and have since been approved by Sir Hubert :—

Sir Edgar Wood and Mr. L. V. Heathcote, Chamber of Commerce; Mr. E. Villiers, President of the Association; Sir Alfred Watson, Calcutta Branch; Mr. H. B. Holme.

Another member of this Committee is Mr. C. P. Lawson, the late Acting General Secretary and late Acting Chairman of the Executive Committee who has been sent to London in the capacity of whole-time advisor to the Delegate.

Sir Hubert Carr and his Committee have also been instructed to co-opt a recently retired I.C.S., man to act on the Committee, for it is felt that the advice of such a man on technical questions would be of considerable value.

The appointment of this Committee, we feel sure, will meet with the thorough approval of all our members. It is a strong team and we can rest assured that the interests of the Europeans in India will be safe in its hands.

Taking into consideration the fact that no time must be lost in communicating with the Delegate on urgent and important points which may arise during the Round Table Conference, the Council has intimated that there will be no objection to Branches communicating direct with the Delegate, or with his adviser, Mr. Lawson, on urgent matters concerning their Provinces. This will obviate any delay which might occur if correspondence had to be done through the Central Administration office.

The following resolutions, were confirmed by the Council on 20th October 1932 :—

I. The Council reaffirms its belief that orderly progress can best be achieved in India by an early settlement of the Constitutional controversy and that to this end the scheme of Reform covering the whole field should be fully determined in one comprehensive Act, which would provide for natural development within the Constitution itself.

II. The Council reaffirms its belief that the only satisfactory constitutional solution for a future self-governing India lies in a Federation of States and Provinces for which the most comprehensive scheme yet produced is that drafted in outline and provisionally agreed to by the British and Indian Delegates at the Round Table Conference, and subsequently set forth in the White Paper of 1st December, 1931, and approved by the House of Commons.

III. The Council reaffirms its previous resolution that the conditions precedent to the transfer of a further measure of responsibility to Provincial Legislatures must be :—

- (a) Satisfactory Provincial financial settlements with the Centre,
- (b) adequate provisions for the Security Services.

It further reaffirms that the time and manner of such transfer, particularly as regards Law and Order, must be determined separately for each Province and with strict regard to the conditions prevailing in the Province and that a further grant

of responsibility shall not be made in those Provinces where such full co-operation as will ensure stable government is not assured.

IV. The Council, in confirmation of many of its previous resolutions, affirms its views :—

(a) That as agreed at the Round Table Conference, 1931, Foreign Affairs and Defence must remain under the control of the Governor-General in responsibility to His Majesty's Government.

(b) That in the last resort the peace and tranquility of any part of the country must be secured and that for this purpose the Governor-General and Governors be empowered, acting in responsibility to His Majesty's Government, to implement their decisions, if occasion so demands, by requiring appropriation of revenue to be made, or by certification of legislative enactments and the promulgation of Ordinances.

(c) That Statutory provisions be made in the new Government of India Act 1935—

(i) equality of personal and trading status in India as between British and Indian subjects of the Crown ;

(ii) the protection of minorities against discrimination in legislation and administration ;

(iii) the full maintenance of the existing judicial liberties of British subjects in regard to Criminal Law.

(d) That the Governor-General or Provincial Governor shall veto at any stage before or after introduction any legislation in any Province or at the Centre that discriminates unfairly against any community or persons.

(e) That following the well-authenticated practice of other constitutions a Statutory Railway Board should be established for the administration of the Railways on business lines : that the powers of the Federal Legislature should be confined to the question of policy and that to that end the respective spheres of the Legislature and the Statutory Railway Board should be carefully defined. Further, that the establishment and smooth working of the Statutory Railway Board must precede the transfer of authority from Parliament to the Indian Legislature.

(f) That it is imperative that provision should be made for the establishment of suitable and effective Second Chambers in the new Provincial Constitutions and that such Second Chambers should be so constituted as to include those responsible elements, which by reason of their ripe experience, special qualifications and interest in the country, would maintain the balance and stability of the Constitution.

(g) That as the co-ordination of the functions of Federal and Provincial Legislatures should be one of the duties of the Governor-General, residuary legislative powers should vest neither in the Federal nor in the Provincial Legislatures but in the Governor-General, who should have power subject to the approval of His Majesty in Council to allocate or reserve such residuary legislative powers as arise.

V. (a) That in the opinion of the Council no scheme of reform in the Provinces has any chance of success unless adequate finance is available and that therefore substantial agreement by all the parties concerned as to financial relations between the Centre and the Provinces and the Centre and the Federating States must precede any further transfer of authority from Parliament to responsible Indian Ministers either in the Centre or in the Provinces.

(b) The formation of a Federal Reserve Bank, outside political influences, must precede the transfer of authority from Parliament to the Federal Legislatures.

(c) The Percy Report does not provide an adequate financial settlement, and the Davidson Report lays an unfair burden on British India at the commencement of Federation.

VI. That before the new Constitution is inaugurated the position of the Security Services should be assured, and adequate financial provisions should be secured by statute for this purpose. Further, that conditions of service should be examined so as to insure the continuance of an adequate British cadre in the Security Services provisions made in the Act to make certain that these conditions will be maintained.

VII. That in the opinion of the Council the recommendations of the Indian Franchise Committee in respect of General Constituencies were framed without giving sufficient weight to the administration and financial difficulties put forward by most of the Provincial Governments ; that in the opinion of the Council the theoretical value of the representation of every shade of opinion, except in the case of Bombay and Madras, is far outweighed by the expense involved in such a vast

increase of the electorate, more especially since an electorate of the size proposed by the Indian Franchise Committee would in its present state of development be completely lacking in political judgment.

VIII. That the transfer of responsibility to the Indian Federal Legislature shall not take place until, in addition to any conditions set out above, the following conditions shall also have been fulfilled :

(a) The constituent units of the Federation shall be working smoothly.

(b) The Federation shall embrace fully all the Provinces and a substantial majority of the States of India.

(c) The financial stability of the Federation has been assured.

Under these circumstances, and these only, does the Council consider that the Federal Executive can become responsible to the Federal Legislature.

IX. That the Council in laying emphasis again on the conditions upon which it has given and will continue to give support for constitutional reform, is conscious that only by the exercise of goodwill can these conditions be best filled : it therefore urges on branches to co-operate in every possible way with all those Indians who are prepared to advance on Constitutional lines and are engaged in an endeavour to overcome the obstacles lying before an All-India Federal Constitution.

X. That the Association reserves the right to oppose in full or in part any bill which contravenes the principles laid down in the above resolutions.

## THE BURMA ST. ANDREW'S DAY DINNER

Speaking at the St. Andrew's Day Dinner, held at Rangoon on the 30th. November. His Excellency the Governor took occasion to bid farewell to the Scots in Rangoon, being the last time that he would be present on such an occasion in Rangoon. He also took occasion to reply to the charge levelled against the Burma Government in connection with the present Separation controversy.

Touching the present political crisis, His Excellency remarked that history was being made in Burma to-day, and some day that history would be written. But His Excellency thought it important to show that when such history was written the Burma Government would come out of it without reproach.

Dealing with the first charge that the Government wantonly threw an apple of discord into Burma and went out of their way to provoke an entirely unnecessary controversy in the country, His Excellency pointed out that the Burma Government were called upon to prepare materials for the Simon Commission. On enquiry, as His Excellency was informed that the separation question would certainly be brought up, the Government prepared a memorandum on separation for the Commission.

His Excellency then gave a resume of the past activities covering a number of years, and said that it was evident that there had been a strong body of opinion in Burma in favour of separation for a long time past.

Coming to the second charge that, for some ulterior purpose, the Government tried to drive Burma out of India against her will, His Excellency confessed that the memorandum presented to the Simon Commission on separation "was purely a bureaucratic production," having been prepared by himself and other I. C. S. members of the Government of Burma. To them the Bureaucrats' case was a just case. They had no axe to grind.

Their sole object was to find right judgment on the facts, and do what was best for the country they served. Their memorandum was just a secretarial study of the question, setting out fairly the arguments for and against separation.

Continuing the Governor said : "If it is thought the British Government are interested in the separation of Burma from India, it is an entire illusion. The British Government are merely anxious to do what is really desired by Burmans."

His Excellency added that separation was not suited to the particular individual interests of either the members of the Civil Service in Burma or of the European business community. In the first place, His Excellency did not suppose that the Civil Service members in Burma would wish to be divorced from the great Service to which they all belonged. Secondly, the pensions of the All-India Services in Burma were at present secured upon the revenues of both India and Burma. If Burma was separated, these pensions would be secured on the revenues of Burma alone, and none would pretend that was a advantage to the services. The



European business community came down to favour separation, because they considered that, for the reason given by the Simon Commission, ultimate separation was inevitable, and the present was the proper time to separate.

But if the decision was in favour of a Federation, His Excellency imagined that the decision would suit the particular interests of most of the business firms, as India was the greatest market for Burma's products. One of the disadvantages of separation would be, that tariff duties would probably be imposed on goods exchanged between India and Burma, and their greatest market would be prejudiced.

Throughout this controversy, His Excellency added, the Government endeavoured to give the people of Burma a perfectly square deal. The Government favoured separation only after the Simon Commission had accepted the case for separation, and after the Burma Legislature had passed a unanimous resolution in favour of separation. Regarding the non-inclusion of Anti-Separationists at the first Indian Round Table Conference, His Excellency remarked that most of them at the time were non-co-operators and it was obviously right that the four available places for Burma were filled from the Burma Legislature. The Government had made no attempt to force their view on the people of Burma, and the Government's conduct throughout had been entirely correct.

Concluding, His Excellency the Governor said that the final issue of this controversy must rest with His Majesty's Government and the British Parliament, but, next week, the Burma legislature would have to make a very important choice. His Excellency said :

"It is a difficult question, and there are arguments either way. Many Burmans, I know, are genuinely perplexed and anxious to do what is best for Burma, and I think we can all sympathise with them. We can only hope that they will choose wisely and well and that whatever the final decision may be, it will be accepted and that the controversy will die down."

## BOMBAY ST. ANDREW'S DAY DINNER

Speaking at the St. Andrew's Day dinner at Bombay on the 30th. November, the Governor of Bombay declared that his assertion last year that signs of improvement in the economic situation were on the horizon, were more than justified, as conditions had greatly improved both in the city as well as in the outlying parts. His Excellency reiterated his contention that, if the local conditions were to improve, the first step must be an improvement in the world conditions, particularly in Britain. The improvement in British finances had led to the successful conversion of the war loan and the Ottawa Conference held out bright hopes for an improvement in the trade conditions, an improvement in which His Excellency sincerely trusted India would not be prevented from sharing by the introduction of false issues.

His Excellency next paid a tribute to Mr. MacDonald and the National Government, and said that the latter had worked wonders under the leadership of that indomitable Scot, who continued to carry on despite ill-health,—sometimes real and due to the strain of his heavy burden of responsibility, and sometimes unreal, and imputed to him by the imagination of evil-minded political opponents, in whom the wish was father to the thought.

His Excellency in conclusion hoped that they would be equally successful in dealing with the Indian problem which the Round Table Conference was now tackling.

## CHLCUTTA ST. ANDREW'S DAY DINNER

"No fair minded man in Bengal would wish to shut his eyes to the fact that the Moslem community, as a whole, has stood aloof from the terrorist movement and the members of the community, therefore, were rightly exempted from the collective fines recently imposed," said His Excellency the Governor of Bengal at the St. Andrew's Day Dinner held at Calcutta on the 30th. November.

The Governor paid a glowing tribute to Lord Irwin and Lord Willingdon, who had devoted a great portion of their lives to the service of India. Lord Irwin was no easy Viceroy to follow. He believed that history would accord him a high place among those who served India and the Empire.

The Governor referred to the ridiculous rumours of disagreement between the Viceroy and himself, for which there was no foundation whatsoever, and characterised the same as idle speculations of political correspondents.

His Excellency observed that it would be wholly wrong to suggest that the Hindu community of the province as a whole had given support to or was in sympathy with terrorism, but what was not open to dispute was that large numbers of Hindus who had not participated in any revolutionary or terrorist acts sympathised with the object of the terrorists and had shown a marked disposition to condone their methods. So long as those sections of the Hindu community, which neither supported nor sympathised with terrorism, had taken no steps openly to dissociate themselves from the movement and thus not only failed to perform the elementary duty of citizenship, but also to render the Government and the province the greatest service which lay in their power to render, neither the Government nor its local officials could be blamed for the action they had taken.

Referring to the disappointment in some quarters that the drastic measures taken during the past twelve months had not been productive of more immediate and obvious results, His Excellency said that those who took that view failed to appreciate the character and ramifications of the terrorist conspiracy. His Excellency was satisfied that the position of the Government was in many ways stronger than it was twelve months ago. His Excellency entertained no doubt, whatever, that the menace of terrorism would be fought down. Whether the poison which induced these periodical outbreaks would be completely eliminated from the body politic, depended primarily not upon the Government, but upon the fibre and quality of the people of Bengal.

What impressed him most in Bengal, said His Excellency, was not terrorism nor the problems of constitutional development but the problem of the economic and cultural future of the province. "Can any one deny", he asked, "that Bengal has, for some time past, been on the down-grade relatively to other provinces of India? The process has no doubt been accelerated by the financial stringency and by the political unrest, but the causes lie deeper. The problem facing the Government of the future—a problem in the solution of which I hope the Government of to-day may be privileged to play some part—is to find means of arresting this downward movement, whereof as it seems to me, one symptom, if it is not the cause, lies in the outpouring of an annual flood of youths inadequately equipped with purely literary education, and for whose energies no legitimate outlet can in the present disposition of affairs, be found, either within or without the boundaries of the province."

The Governor referred to the Retrenchment Committee report, and said that it was fully recognised by the Government that they must retrench, though they had done little else since 1922. This would be done without permanent impairment of the administrative efficiency.

The Governor next referred to the finances of the province and to Lord Merton in this connection, and said: "To-day, we are concerned with the rights and obligations of Bengal as an autonomous unit in a Federated India." In a Federated India, each unit had to work out its own salvation and for that should have control over its own resources, subject to a fair contribution for the common good. It might be argued that Customs duty should in the normal course accrue to the Central revenues. But this argument ignored the fundamental distinction which should be drawn for the purposes of Federal Finance, between import duties and export duties a distinction which he was sure economists would support.

The Governor mentioned that he had stressed the claims of Bengal to the jute duty on principle and as a matter of equity.

His Excellency paid a high tribute to the local civil officers and the police who had been conducting their duties in the face of difficulties and to the military who had arrived in Bengal sooner than anybody expected. In so far as it affected the general administration, the Governor felt convinced that nothing but good would result from the co-operation of the troops with the local Civil authorities.

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## The All-India Non-Brahmin Confederation

The twelfth session of the Non-Brahmin Confederation, which was announced to be held at 3 p. m. on the 8th. October at Tanjore, did not take place, but instead a rival meeting was held in the conference hall whereat resolutions were passed hurriedly electing Diwan Bahadur Muniswamy Naidu, Chief Minister, the leader of the Justice party and agreeing to the admission of Brahmins into the Justice fold. Thereafter the meeting dispersed.

For the past few months the question of leadership of the Justice party had been agitating the minds of the leaders but during the last two days strenuous negotiations were being carried on on this question between two rival parties, one favouring Mr. H. Muniswamy Naidu, Chief Minister to continue as the leader and the other being in favour of either Mr. P. T. Rajan, second Minister, or the Raja of Bobbili, president-elect of the Confederation. Till the afternoon of the 8th. no decision was reached between the contending parties despite the intervention of Sir K. V. Reddi, Raja Sir Annamalai Chettiar, Sir A. P. Patro and others. It was however arranged to resume negotiations in the evening. Meanwhile, about 2 o'clock, a large number of people, mostly from Andhra Desa, who stated to be delegates and to whom the delegate tickets, it was alleged, had been refused, assembled in front of the conference hall and wanted to be let in, but the gates were kept closed and it was stated were not opened in spite of their requests. Thereafter a considerable number of these people forcibly entered the hall by scaling the compound walls and the gates and took complete possession of the entire hall. Confusion and disorder prevailed, but nothing untoward happened. After order was restored, Mr. Ramaswamy Choudhury, a delegate from Tennali, was installed in the presidential chair, and resolutions expressing confidence in Mr. Muniswamy Naidu, the Chief Minister, and Mr. Kumaraswamy Reddiar, the third Minister, electing Mr. Muniswamy Naidu as leader of the Justice party and agreeing to Brahmins entering the Justice party were declared passed. Meanwhile, the Chief Minister accompanied by Raja Sir Annamalai Chettiar, Mr. Reddiar and some others arrived, but they withdrew when they found themselves unable to persuade the meeting to adjourn. Then some members of the rival party arrived in the hall along with a police party which was the cause of confusion and uproar. However, quiet was soon restored and the meeting dispersed peacefully.

The open session of the Confederation was however held on the next day, the 9th. October in the morning, amidst great enthusiasm, the Raja of Bobbili presiding.

Mr. Samiappa Mudaliar, chairman of the reception committee, in his address, said that election of a leader who would guide the future destinies of the party, and Brahmin entry into the party were the two outstanding questions, the conference would be called upon to decide.

The presidential address dwelt upon various matters. Referring to the constitutional changes and All-India federation he said that perhaps those inspired with this great ideal, would have met with better success if unfortunately certain development had not taken place in India, and handicapped their work and added :—'It is, however, impossible to delay India's constitutional advance any longer. Politics in India has now come to such a pitch that without an immediate and great advance there would be a stalemate, and disaster would overtake us, which will affect adversely the future friendly relations between Great Britain and India, and which would bring about unnecessary and untold suffering to both the countries. We, who wish to strengthen the bonds of mutual trust and goodwill between the two great countries, and who hope that in such a bond lies the future salvation of the world, must strongly feel that events will shape themselves in such a way that any disaster of the kind depicted above may not overtake us.'

The Confederation however ended in a fiasco owing to continued uproar and confusion. Mr. P. T. Rajan, Minister, announced that the Confederation would stand adjourned *sine die*. Leaders withdrew and the police had the hall cleared. Among those present were Sir K. V. Reddi, Raja Sir Annamalai Chettiar, the Kumara Raja of Venkatagiri, Sir A. P. Patro and the three Ministers of the Madras Government.

## C. P. & BERAR NON-BRAHMIN CONFERENCE

The seventh session of the C. P. and Berar Non-Brahmin Conference was held at Nandora on the 31st. December 1932 and 1st. January 1933. Delegates from almost every district attended the conference.

The hon. Dr. Punjabrao Deshmukh, Minister of Education in C. P., in the course of his presidential address explained the reasons why he accepted the presidential chair although he had not signed the creed of the Non-Brahmin party. He said that the function of a president was to guide the proceedings and give a lead to the conference from the point of view of the party or the group which called the conference. Although he belonged to the Farmers' Association, no one could take away his right to speak as a member of the Non-Brahmin community and as such there was nothing strange in his presiding over the conference. He then quoted instances of political leaders who, although they were regarded as national leaders of India, had not divested themselves of a feeling that they belonged to this community or the other. He then summarised the causes of the origin of the Non-Brahmin movement in the Maharashtra saying that they were mainly social and religious. This he attributed to the fact that in those days very few political rights were given to the Indians but as time went on and Indians began to take more part in the government of the country, it was realised that the Non-Brahmins should as a party representing the backward community in Maharashtra strive their best to capture it and thus put an end to social and religious tyranny of the Brahmins.

He then gave an account of the progress that the Non-Brahmin movement had so far made and also explained briefly the important things that the Non-Brahmin party must set their heart on. Along with matter of social tyranny by one section of the population, he referred to the speech of His Highness the Maharaja of Bikaner delivered at Kolhapur where he had referred to the cultural tyranny. Dr. Deshmukh emphasised that it was important to put an end to this. He then appealed to them to forget their differences and give a united front so that a large part of the political power that was soon to be given to the Indians would fall into their (Non-Brahmins') hands. He said he would be glad if the Non-Brahmin party would continue to act in cooperation with the Farmers' Association as before.

Rai Bahadur K. S. Nayudu of Wardha, then spoke on the question of untouchability and asked all the Non-Brahmins to help in the removal of untouchability wherever possible.

### RESOLUTIONS

The Conference then passed the following resolutions among others :—

- (1) This Conference supports the C. P. Government's Debt Conciliation Bill but suggests some modifications.
- (2) The Conference wishes to remove the misunderstanding, if there be any, that the Non-Brahmin party and the Farmers' Association are one and the same body but resolves that a joint board of the representatives of these two parties be appointed to coordinate their efforts and to minimise the differences between them.
- (3) It is resolved that Berar should not be handed over to the Nizam without the consent of the people of Berar.
- (4) The conference is of the opinion that Berar should remain with the C. P. but the revenue from Berar should be spent on Berar only and the Berar Legislative Committee should have the power of legislation. In order to give effect to these two points, Berar may be constituted into a sub-province.
- (5) The Conference lends its support to Dr. Subbarayan's Anti-Untouchability Bill and requests the Viceroy to allow the Bill in the Assembly and to direct the official members of the Assembly not to participate in the voting on the Bill.

## The All India Depressed Classes' Conference

The tenth session of the All-India Depressed Classes' Conference was held at Bombay on the 10th. July, Rao Bahadur M. C. Rajah presiding. Over two hundred delegates from all parts of India were present. Several prominent persons of Bombay including Sir Chunilal Mehta, Mr. Balabhai Desai, and Mira Ben attended the session.

### VOLUNTEERS INJURED IN CLASH

Before the Conference was held fifty persons were injured, a dozen of them seriously, in a serious clash between the separatist and nationalist sections of the depressed classes. It was stated that shortly before noon about 200 separatists came to Khandwadi theatre where the conference was due to meet and sought admission into the hall which was regulated by permits. They found the way blocked and following this, there was a clash between them and the volunteers which developed into a free fight in which stones and sticks were freely used. The police were due to arrive at the conference only in the afternoon, but they rushed to the scene and dispersed the rioters with a lathi charge and made a few arrests. It was also stated that some separatists went to the Victoria Terminus to greet Mr. M. C. Rajah, President of the conference with black flags but they were forestalled by the organisers of the conference at whose instance the president detained at Thana station and motored to Bombay.

### MR. RAJAH'S PRESIDENTIAL ADDRESS

*Rao Bahadur M. C. Rajah, M.L.A.*, in the course of his address, observed :—

You know that our Association authorised me to enter into a pact with the Hindu Mahasabha. It was on the 22nd of February, 1932 that the Working Committee of the All-India Depressed Classes' Association met in Delhi and passed a resolution in support of reservation of seats for the Depressed Classes under joint electorates and also authorised me to enter into a pact with Dr. B. S. Moonje, the President of the Hindu Mahasabha. Previous to the Working Committee meeting which was held on 22nd February, 1932, in Delhi, a meeting of the leading members in the various provinces belonging to the Depressed Classes was held on the 21st February in order to consult their opinion on our proposal to enter into a pact with the Hindu Mahasabha as well as on the question of electorates. The consensus of opinion at that meeting was in favour of reservation of seats under joint electorates.

Dr. Ambedkar has doubted as to whether a meeting of the Working Committee was held on 22nd February and passed the resolution in favour of reservation of seats under joint electorates. The first meeting which was held on 21st February, was an informal meeting wherein the Working Committee consulted the general opinion of the leading members in the various provinces but did not pass any resolution. But the meeting held on the 22nd February was a meeting of the Working Committee and passed the resolution in support of Reservation of Seats under Joint Electorate and authorised me to enter into a pact with the Hindu Mahasabha.

Dr. Ambedkar used his position as a member of the Indian Franchise Committee to put questions to Swami Achutanand and Mr. Baldeo Prasad Jaiswal, casting doubts on the validity of the Working Committee meeting. This was on the 30th of March, when the two gentlemen gave evidence before the Franchise Committee. Swami Achutanand is a member of the Working Committee and was invited to attend the meeting. He did come to Delhi from Cawnpore and was present in Delhi on the 21st and 22nd of February and was staying with Veeraratra Devidasa. He attended the informal meeting on the 21st and absented himself from the Working Committee meeting on the 22nd February. Yet he stated that no resolution was passed at the Working Committee meeting. Mr. Baldeo Prasad Jaiswal is not a member of the Working Committee, but as a leading member from U. P. he was invited to the informal meeting held on 21st February. As he was not a member of the Working Committee, he was not invited to attend the meeting of the Working Committee on 22nd February. Yet, he also said that no resolution was passed at the Working Committee meeting. Let me now read to you a few

extracts from a letter to me dated 27th February, 1932, from 23, Hewett Road, Lucknow, written to me by Mr. Baldeo Prasad, soon after he left Delhi after attending the informal meeting on 21st February, 1932. In this he says :—

"I am doing my best to put my people in the right direction of which I have every hope. I shall let you know if I require the help of Mr. Gaval or anybody else. Please don't tell Devidass or others that I have also changed to your views till I get a hold on my people.....I am doing my level best and hope to succeed in the attempt."

From this you will understand that Mr. Baldeo Prasad also favoured Joint Electorates with Reserved Seats, at the consultative meeting on 21st. February. I would not have given this extract to you, if he had not appeared before the Lothian Committee to misrepresent facts.

Let me enumerate some of the activities of our Association. The Association is the only organisation of the Depressed Classes in India of an All-India character, holding annual sessions at various centres of India, laying down an All-India policy on behalf of the Depressed Classes, creating consciousness among the members of the community and making from time to time representations to Government. In 1929 the Association gave evidence before the Indian Statutory Commission in Nagpur. The All-India Depressed Classes' Conferences were held under its auspices in 1926 in Nagpur, in 1927 in Allahabad, in 1928 in Delhi, in 1929 in Madras, in 1930 in Amrathi and in Meerut and in Allahabad, in 1931 in Gurgaon in the Punjab and now in 1932 in Bombay.

Our representative character is the same as that of others who speak for other communities. It is not possible for one to speak for the whole community. No doubt our Association is a poor Association. We also recognise that our organisation is not a perfect one, but it is the only one of its kind. We are in touch with the people, and we know their difficulties. We have their confidence and we sit and discuss and give a lead to the community. So far, nobody has disputed our representative character or the wisdom of the lead that we have been giving. Our Association is as good as any association of the kind and has got as much representative character as any other political body in India.

Dr. Ambedkar has a short memory. When he presented the case of the Depressed Classes before the Simon Commission he presented the statements of the Bahishkrita Sabha of Bombay, wherein under the heading "system of election" the opinion of the Sabha is stated as follows :—

"Free election and General Constituencies are, in the opinion of the Sabha, out of the question so far as the Depressed Classes are concerned. On the other hand, the Sabha does not wish to ask for communal electorates. In its opinion, it would be sufficient if the Depressed Classes are provided with reserved seats in general constituencies. In the case of candidates for election from the Depressed Classes the Sabha would urge the total abandonment of the residential qualification and a partial relaxation in the condition as to deposit."

We can understand a change from separate electorates to joint electorates, but a change from joint electorates to separate electorates is a retrograde step. Dr. Ambedkar painted the social disabilities of the Depressed Classes at the Round Table Conference. At the Conference except Mr. Gandhi the other Hindus did not oppose special representation to us. On the other hand, they supported the demand of the Depressed Classes for special representation. Are Europeans, Muslims and Anglo-Indians going to solve our difficulties? Are they going to remove Untouchability? What does Dr. Ambedkar say to this? He says: "Before the British you were in a loathsome condition due to your Untouchability. What has the British Government done to remove your Untouchability? Before the British you could not draw water from the village wells. Has the British secured you the right to the wells? Before the British you could not enter the temple. Can you enter there now? Before the British you were denied entry into the Police force. Does the British Government admit you in the force now? Your wrongs have remained as open sores and they have not been righted and I say that the British Government actuated by the best of motives and principles will always remain powerless to effect any change. Nobody can remove your grievances as well as you can and you cannot remove these unless you get political power in your hands. No share of political power can come to you so long as the British Government remains where it is. It is only in a Swaraj constitution that you stand any chance of getting the political power into your hands. "We must have a Government in which men in power will give

undivided attention to the best interests of the country. We must have a Government in which men in power, knowing where obedience will end and resistance will begin, will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently call for. This role the British Government will never be able to play. It is only a Government which is of the people, for the people and by the people, in other words, it is only the Swaraj Government that will make it possible."

The learned Doctor further warns by saying :—"I know, to the majority of our people, Swaraj is a weird apparition. It is very natural that it should be so. It recalls to their mind the tyrannies and oppressions and injustices practised upon them by their fellow-countrymen and they fear that under Swaraj these violations may recur. But, gentlemen, if you will for one moment forget the past and visualise the Swaraj of the future with its wholesome devices to protect masses from classes, you will find that far from being a weird apparition it is going to be a system of Government in which you yourself stand the chance, other things being equal, of being amongst those who will be installed as the Political Sovereigns of this country. Do not be obsessed by the past. Do not be swayed by fear or favour from any quarters in making your decision. Consult your best interests and I am sure you will accept Swaraj as your goal."

This was what Dr. Ambedkar said in August 1930 and he expressed the very same sentiments in his first speech at the first session of the R. T. C.

Again, was it not Dr. Ambedkar that organised the Temple Entry Satyagraha Movement in Bombay and conducted under his leadership the Kala Rama Temple Entry Satyagraha of Nasik in 1930? Did he not make a speech in Poona and conclude it by saying, "I am of opinion that all conferences to be held henceforth must wind up with entry into temples, drinking of water from public tanks and so forth." And now, what does our Doctor say when he visited Poona on 22nd May 1932? Dr. Ambedkar on this occasion is reported to have said that he did not want temples, wells and inter-caste dinners, but Government service, food, clothing, education and opportunities.

Gentlemen, I have placed before you the above facts regarding the consistency or otherwise of our friend Dr. Ambedkar and leave it to you to draw your own conclusion. Now, let me place few facts before you about the consistency or otherwise of our friend Rao Bahadur E. Srinivasan. When our friend Mr. Srinivasan appeared before the Simon Commission, he said to a question put by a member of the Simon Commission whether he wanted Separate Electorates for the Depressed Classes—"not at present"—and his reasons for this were—"Our people are not yet advanced to have Separate Electorates. Unless you give Adult Franchise the Depressed Classes should have no Separate Electorates." Then again when he went to the first Round Table Conference at the end of 1930, the Federation of which he is the President in Madras, passed a resolution supporting Joint Electorates and gave him the mandate to place it before the R. T. C. because I was told that he was asked to co-operate with Dr. Ambedkar who was then advocating Joint Electorates. Now why should our friend who had the definite mandate from his Federation to advocate Joint Electorates, make a volte-face and advocate Separate Electorates?

I have read the speech of another distinguished personage, Rao Sahab Munnawami Pillai at the Depressed Classes Congress at Kamptee published in "The Hindu" of 9th May 1932. Mr. Munnawami Pillai is said to have said thus:—"You are all aware that at the R. T. C. the claims of the Depressed Classes were most vehemently opposed by the representatives of the Caste-Hindus." This is not true since the claims of the Depressed Classes have been supported by delegates like Sir Tej Bahadur Sapru, Sir A. P. Patil, Dewan Bahadur A. Ramaswami Mudaliar, Mr. N. M. Joshi, Mr. A. Rangaswami Iyengar, Dr. B. S. Moonje, Dewan Bahadur M. Ramachandra Rao and others.

Again he is reported to have said:—"Our emphatic view to-day is that for some time to come we must have what is called Separate Electorates." Mr. Pillai had failed to specify what in his opinion "some time" means? This is the song he has been singing for the past ten years, and to-day he sings the very same song, though this very gentleman supported reservation of seats under Joint Electorates for the Depressed Classes for Union Boards, Municipal Councils, Taluka Boards and District Boards when the Madras Local Boards Act was passed in the Madras Legislative Council in 1930. Mr. Pillai even went to the length of congratulating the Minister who was in charge of the Bill in his benedictory speech in the Madras Legislative Council. This Act is now in force in the Madras Presidency and elec-

tions to the local bodies are being held now. Mr. Munuswami Pillai himself stood for a general seat for the City Municipal Council and was returned unopposed by the help and co-operation of the high-caste Hindus. Again, recently, he stood for the Reserved Seat in Joint Electorate for the Nilgiri District Board and with the support of the high-caste Hindus he got himself returned unopposed. Yet Mr. Munuswami Pillai sings the same old song that "it is an open fact that under the influence of highly educated caste Hindus the ablest members of the community are outside the Councils." Perhaps Mr. Pillai who was returned unopposed is not the ablest man! And Mr. Pillai who is now a nominated member in the Madras Council is perhaps not the ablest man.

Mr. Pillai is a member of the Madras Depressed Classes' Federation of which Mr. Srinivasan is the President. Does he know that this Federation passed a resolution supporting Reservation of Seats in Joint Electorates for Depressed Classes just before Mr. Srinivasan left Madras in 1930 for the first Round Table Conference and gave him a mandate to advocate that system of election for the Depressed Classes in the R. T. C. Mr. Pillai prides himself on the fact that he is a member of the Madras Legislative Council and yet he criticises the Government that though under the Government of India Act of 1919 the Depressed Classes are allowed representation by nomination, persons who do not understand the fundamentals of politics are nominated. I concur with him in this. The present nominated Depressed Class group in the Madras Council which included Mr. Srinivasan and Mr. Munuswami Pillai, supported Reservation of Seats in Joint Electorates for Depressed Classes for the local bodies and District Municipal Councils, and that too so recently as August 1930, and this very group is now opposed to this system of election for the Legislative Council.

When there is a natural tendency in our people to reform themselves and get into the Hindu fold, what should be our attitude?

Our movement is a forward movement. We do not want to retard progress. We want to advance with other communities. We do not want to keep marking time. By our annual sessions and propaganda, the political consciousness of our people has been aroused. Our aim is to help them to go forward and not to sing the same old song "separate for some time."

The Government of the country is also rapidly advancing. The provinces are going to be autonomous. Separate Electorates would have been a kind of safeguard under diarchy in which our representatives joining with the Government block might have secured for us what we wanted. But under provincial autonomy our aim should be to secure in a Joint Electorate a sufficiently large number of seats for our community. This can be done by means of representation granted to us by a Statute with liberty to contest unreserved seats. Our influence in the Councils depends upon the number of votes in our hands and if we are sufficiently strong we can control the policy of the Minister and even get one or two of our men into the Cabinet. It should also be realised that hereafter the Government will be run on party lines. That party which has the largest number of supporters and manages to secure the largest number of men returned to the Council on its party tickets will hold the reins of power in the Government. If our men are to become members of Government they can do so only by being members of one or other of the parties which contests the seats in the general constituency under the system of Joint Electorates. This is impossible under Separate Electorates in which there is no party ticket but only communal preference.

The latest announcement on behalf of the British Government, made by Sir Samuel Hoare, calls for a few remarks. This Conference is chiefly concerned with the interests of the Depressed Classes and how best to secure them and to protect them. Hitherto we have been labouring under the impression that this is best effected by maintaining our aloofness from other communities, and looking forward solely to the British Government for our protection. But now the British Government is on the eve of changing its policy and devolving power upon the people in general. In these circumstances, it is the part of wisdom to assert ourselves within and not without the general body politic. This is what the British Government itself would say, and I have every confidence that when the eagerly looked for Communal Award is declared by the Prime Minister, he would advise the communities to unite with one another politically, whatever their social and religious differences may be, and to join in a Joint Electorate. Therefore we have confidence both in the British Government and in our Nationalist brethren at home. For whatever differences these two parties may have between themselves, we are gratified to think



that so far as we are concerned they are agreed about our political future being identified with the people as a whole. This estimate of the situation is borne out by what Sir Malcolm Hailey, the Governor of the United Provinces, has recently said out of his experience in the Government of India. He said he had no sympathy with that school which was attempting for political purposes, to create a separate community of the Depressed Classes, and that India had little to gain from an arrangement which would tend to stereotype the strain into which the society was divided. We are glad to notice that there is a corresponding determination on the part of the Hindu leaders to see the curse of 'untouchability' removed from the country. I may call your attention to the statement issued by the Swami Shraddhananda Memorial Trust calling upon the Hindus to observe the 17th July as an All-India 'Anti-Untouchability' Day, when to give practical proof of their determination to wipe out 'untouchability', the Hindus all over the country should throw open public wells and temples to those who called themselves Hindus and wherever possible to arrange for inter-caste dinners at which the Depressed Class Hindus should be treated on a footing of equality.

Our interests demand that the reformed Constitution should be evolved and the country set a going with the new constitution without any further delay. In this case the old adage "delay is dangerous" is particularly true. So far as our community is concerned, this is just the time when a constitution involving co-operation between the communities should be introduced. Any delay in this matter would only give an opportunity for persons interested in separating us from the majority and making us an impotent minority, to carry on their stone-breaking operations. As for conferences we have had enough of them. I say this in no sneering mood. The Round Table Conferences of the last two years have done splendid work, and especially the second conference in which Mahatma Gandhi has laid before England and the world the case for self-government in the fullest measure. There is sufficient material for constitution-makers, both British and Indian, to proceed upon, and further conferences, besides delaying matters, would only lead to an accentuation and perpetuation of the differences which have so far arrested progress and would make agreement not only among the members of any conference but among the people of the country impossible.

The thing to do immediately is for the British Government to call in men who have special knowledge and a representative character and who would co-operate with them in producing a constitution which would be a fulfilment of the desires and aspirations of the people. No constitution can in the circumstances be final nor can any constitution at any time be final. So long as the power to be devolved upon the Indian people is in the hands of the British Government, it is they that have to devolve it, and the decision will be in the hands of the British Parliament; that cannot be helped. It is inevitable and inherent in the situation. All that we can look for is that the new constitution responds to and fulfils our desires. When the next stage comes, it will be open to us to evolve through mutual agreement in the country, a constitution for which the formal consent of the British Parliament may be asked for. Then the decision will be with us and the consent will have to be theirs. At present, the consent will have to be ours, and the decision theirs.

We must see, so far as the Depressed Classes are concerned, that in evolving a constitution, no provision is introduced which will silently act as a spoke in the wheel of our progress. Experts have their value and their place; they have the necessary knowledge and necessary intelligence and skill. But who knows if they have the necessary sympathy and good-will? And friends who have the sympathy and good-will may not have the necessary knowledge and insight to understand where directly the shoe pinches and to make the shoe fit the foot. It is therefore absolutely essential that in the Consultative Committee that will be formed for advising in the making of the new constitution, there should be three or four members of our community who know our difficulties and disabilities and at the same time have the larger outlook for co-operating with members of other communities and have experience in legislative work, to safeguard our interests and to help in devising a constitution which would promote the interests of the people at large without sacrificing the interests of our community—in short secure justice for us and for all.

#### RESOLUTIONS PASSED

The Conference concluded after passing a series of resolutions. The first resolution stated that the Conference was of opinion that the true interests of the Depressed Classes, so far as their relation to political administration was con-

earned, could best be promoted only by means of joint electorates with reservation of seats on their population basis in all Legislatures and, in pursuance of that conviction, accepted unreservedly the Rajah—Moonji Pact which embodied that principle.

The second resolution urged upon the British Cabinet the desirability of including proper and effective directions for securing effective representation to Depressed Classes by means of an Instrument of Instructions to the Governor-General and Governors.

The third resolution repudiated the London Minority Pact, while the fourth urged unity of ranks amongst the Depressed Classes.

The fifth resolution demanded an age-limit qualification instead of education and property qualifications for franchise.

The sixth urged the Government to take a fresh census of the Depressed Classes and the seventh deputed Rao Bahadur M. C. Rajah to go to England in order to develop sound public opinion.

Another resolution expressing loyalty to the Crown was moved from the Chair and unanimously passed.

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## The All-India Trade Union Congress

Nearly thirty delegates attended the 12th. session of the All-India Trade Union Congress which commenced its proceedings at Madras on the 9th. July 1932 in the Paramanandadas Chotadas Choultry under the presidency of Mr. J. N. Mitra of Bengal to consider momentous issues affecting Indian labour. Of these delegates, nine were from Bombay, five from Bengal, two from Nagpur and the remaining from Madras. The following are extracts from the presidential address :—

In the earliest stages of the labour movement in India, those engaged in the task of uniting and organising the industrial workers, were mostly actuated with the desire to "do good" to the poor and down trodden. And the activities of the labour organisations which grew up as far back as 1884 in Bombay under the leadership of Lokhande, and later under Dr. Nair in Madras, were mainly confined to humanitarian work, occasional demonstrations, writing petitions and carrying on constitutional agitation for the protection of the interests of labouring masses.

As a result of this agitation in India and owing to the growing competition between Lancashire and Bombay textile industry, from time to time, various commissions were appointed by the British Parliament "to investigate into the condition of labour" in the Bombay textile industry. Later on various parliamentary acts were passed with a view to fix hours of work for female child and male labourers. Neither the "investigations" of these commissions nor the parliamentary acts did in any way improve the pitiable condition of the working class. On the contrary, there was more and more exploitation of the toiling masses, which was paving the way towards the development of the labour movement.

Just after the end of the world war, the Indian Trade Union movement was entering the first stage of modern trade unionism. During the years 1918-1921, over 30 strong labour organisations sprang up in various industrial centres such as Bombay, Nagpur, Calcutta, Madras, Jamshedpur, Ahmedabad and so on.

The years 1926-28 marked spectacular advance of the movement. The young Indian proletariat was appearing on the scene as a factor to be counted with. In a series of local strikes and lockouts the workers developed the sense of solidarity, began to understand the necessity of the independent class organisations and showed a growing will to fight. On the other hand, radicalization of the nationalist rank and file showed that maturing of the political situation. Objectively independent activities of the working class was the basic cause of the impending development of the radicalization of the nationalist ranks. Time was approaching when the Indian working class was to contribute its share in so much as could be done under the existing conditions of immaturity of its own composition, of the lawlessness of its cultural level and of the backwardness of its organisation.

The split in the Trade Union Congress in 1922 was indeed very unfortunate. In spite of the persistent attempts of a few reformists, the Indian Trade Union move-

ment had refused to affiliate itself to Amsterdam. Even its non-extremist leaders were mostly against Amsterdam. Those who attended the International Labour conference at Geneva went as a nominee of the Government and not as elected representatives of the Indian workers. On the contrary in 1928 the Trade Union Congress had declared its adhesion to the League against Imperialism. Its president Pandit Jawaharlal Nehru was an active member of the Executive Committee of the League. Most of the important unions however still remained individually under reformist control. In view of this relation of forces it was all the more necessary not to split up the Trade Union Congress.

The Trade Union Congress met in Calcutta in the beginning of July 1931, under the presidentship of Com. Subash Chandra Bose.

In spite of all obstacles and hinderances the eleventh sessions of the T. U. C. did meet and the most important of all its decisions was on the question of unity in the ranks of the labour movement not desired both by the extreme ultra-leftists and Right wing opportunists. And ever since the Calcutta session we have been able to make a good headway in the direction of the reorganisation of the shattered labour movement, particularly in Bombay, C. P., and United Provinces and Bengal. Our attempts to reorganise trade union movement in Bengal and thereby help the workers to effectively press their demands and improve their condition of life was met with an immediate offensive on the part of the local authorities as well as disruptive tactics of the old remnants of those romantic ultra-leftists. Lately, there was a jute workers' strike in the Howrah Mills. Over 20,000 workers were involved in the dispute. The officials of the Bengal Provincial Committee of the A.I.T.U.C. actively helped the workers but they were served with notice under section 144, prohibiting them to enter the mill area for two months. Although the workers were deprived of the assistance of their organisations, they carried on bravely for a few weeks and had eventually to resume work.

The most amazing of all the industrial disputes that took place in recent times was the strike of 4,000 workers of the Tata Colliery in Jamshedpur. The Indian owners of the colliery neither paid any heed to the demands of the workers nor listened to the appeal of their leaders. In practical field of politics the Indian employers are in no way better than the foreign exploiters. They are as much enemies of the working class as the rest of the capitalist world. Demand for no wage-cut by the strikers of course was not realized on account of sheer lack of organisation and Imperialistic offensive banning the union officials by promulgation of Section 144. There is going to be soon a mushroom growth of labour leaders, and also mushroom labour organisations as the Lothian Committee on Franchise has recommended special labour constituencies in the coming reforms. I do not understand how this creation of special labour constituencies is going to help the labouring masses of the country. The working class cannot gain anything from any reforms granted to India with the consent of the British Parliament. The future reforms will not be granted to the Indian people but to the native allies of imperialism. Therefore in my opinion there is no reason for the Trade Unionists to gloat over the creation of labour constituencies in various provinces of the country. Some of the reformist leaders ignoring the expressed verdict of the workers served on the Franchise Committee appointed by the R. T. C. which was begotten and denounced by the Indian Labour movement as an instrument of further exploitation of the Indian masses. Let them gloat over it. We do not grudge. Most of the labour organisations have declared times without number that adult suffrage should be the demand of the working class. But to me it seems even adult suffrage, which will mean right to vote to exploiters as well as to the masses, will not solve the problem of the working class. The native exploiting classes, that is the Capitalists, Zamindars, and Native Princes etc. have openly joined hands with imperialism. They have openly fought against the movement for national freedom. And as such parliamentary democracy in most advanced countries like Germany, France, America and even England, where there exists universal adult suffrage, has failed and stands exposed as an instrument of the dictatorship of the exploiting classes. Therefore in my opinion there should be a movement set afoot for the enfranchisement of only those classes in India which are directly and indirectly exploited by imperialism and are involved in a struggle against foreign domination. And those native allies of foreign imperialism who have openly fought against the movement for national freedom should have no right to be enfranchised in the future constitution of Free India which could not be promulgated by any Royal Commission, R. T. C. or the British Parliament but by the organised and democratic will of

the oppressed and exploited classes forming the great majority of the Indian people. Such agitation it is high time for the exploited masses to set up if really they want to answer the sinister communal award given by the ex-socialist MacDonald and to the report of the Franchise Committee.

But it would not be out of place when I say that we may utilise the election to legislature, for carrying propaganda for the development of the class consciousness amongst the working class and just to expose the nature of the new reforms, we may contest the election without having any illusion about the improvement of the lot of the labouring mass through the sham legislatures.

Although the Trade Union Congress is neither a political party nor it belongs to a particular set of political opinion there cannot be a single genuine trade unionist who will dare declare that the trade union movement in India has nothing to do with the movement for national freedom. The Trade Union Congress must unhesitatingly declare in favour of India's right to national freedom and self-determination and any movement that will be set up in course of time must be supported actively from the point of view of the working class.

For more than one reason unity in the ranks of the labour movement is essential. By achieving this much-needed unity we shall be inaugurating new era of the working class movement, which is bound to grow out of the objective condition of exploitation and the oppression by the present system of society, challenging the dictates of a decadent order. The vigorous mobilization of the workers under the banner of the All-India Trade Union Congress with a view to give rise to a powerful labour movement will stand like a towering monument in the history of the oppressed masses. It is no Trade Unionism which aimed at harmonizing the relation between employers and employees. Trade Unionism is nothing but the forerunner of an uncompromising struggle based on principle of defending the interests of the working class against the employers' exploitation. Reformism checks the militant progress of the struggle of the working class. But the ultra-leftism, as already pointed out, too, harms the workers' movement because it overlooks the immediate interests of the working class. I therefore appeal to this session of the All-India Trade Union Congress to adopt the platform of unity issued by the Girni Kamgar Union as the basis of uniting, developing and building up the labour movement in India. Signs are already discernible among a section of those comrades who parted at Nagpur that they have been realising slowly but surely that when the country is on the throes of a political upheaval of the first magnitude and as a matter of fact when the economic and political system of the whole world is undergoing a rapid and thorough change, the halting policy and programme of the last decade no longer suits the working class movement of India of the present day. On the other hand, a large section of the energetic young comrades who were attracted by the romantic halo of the ultra-leftists have definitely found out that they have followed the shadow so long and have been wasting energy without having any definite programme of work to follow. The platform of unity as defined by G. K. U. in 1931 is a programme in itself for immediate work. It is therefore necessary for us comrades to marshal every power and use every opportunity and resources to gather all these forces together and work with the common object of withstanding the capitalist onslaught that has put the rank and file on practical starvation by wage-cut, retrenchment, and other evils following on the policy of rationalisation. Unity among individuals as well as unity in rank with unity of purpose is essential particularly at this critical moment.

### Resolutions

One of the main items before the Congress for its consideration was the framing of "Platform of unity" acceptable to all labour interests. After long discussions the Congress adopted the "Platform of unity" framed by the Bombay Girni Kamgar (Red Flag) Union, as early as January 1931, with a few alterations. The "Platform of unity" as amended and adopted by the Congress, was in the following terms:

I. A Trade Union is an organ of class-struggle. Its basic task is to organise the workers in a particular trade or industry for defending and advancing their rights and interests. Therefore, under no circumstances, can the object of any Trade Union be to reconcile the interests of capital and labour.

II. The immediate demands of all the Indian Trade Unions are: Eight hours' working day, including an hour's rest, in all trades and industries; minimum wages guaranteeing all the workers an irreducible standard; weekly payment of wages wherever demanded; equal wages for equal labour without racial or sex discrimina-

tion ; one month's leave a year with full pay ; unemployment, sickness, old age and insurance, maternity benefit extending for three months at the expenses of the employers ; better housing and working conditions for all the workers. The rent for workers' lodgings not to exceed 8 per cent of the wages ; establishment of independent Workers' Committees in factories, shops, mills, pit-heads, harbours, dockyards, plantation and all other places where collective work is performed, to supervise that the conditions of labour comply with the standard fixed ; abolition of the employment of children under 14 years of age ; abolition of the employment of women and children underground in mines ; provision of free primary compulsory education ; abolition of all other systems of recruiting labour except through the Trade Union ; abolition of fines imposed by the employers, be they private individuals or the Government ; transfer of the control of the Provident Fund from the employers to the employed ; the clause relating to abolition of fines imposed by the employers to be referred to all unions for further elucidation.

III. The entire Trade Union movement of the country shall carry on under central leadership of the A. I. T. U. C. an energetic, ceaseless and well co-ordinated agitation for enforcing the minimum demands of (1) right to bear arms (2) right to strike. The method of self-appointed delegations negotiating with the employers or State authorities shall be rejected as unauthorised and harmful. The agitation shall take the form of mass meetings, demonstrations and strikes.

IV. Whenever the workers in one particular trade or industry are engaged in a dispute with the employees, the entire Trade Union movement shall support them actively. The support shall be extended through the declaration of class solidarity, financial aid and sympathetic strike.

V. In case of conflict with the employers, no step shall be taken, no agreement shall be made by the leaders of the Union except with the approval of the workers concerned expressed in general meetings or in delegates' conference convened for the purpose or in any other effective way enabling the workers to express their views adequately.

VI. Every Union shall hold regular annual general meetings for reviewing past activities and re-electing its executive. In case of the office-bearers of any Union failing to comply with this, the membership shall take the initiative for getting the conference together, and call upon the office-bearers to render account. On such occasions, the A. I. T. U. C. shall intervene in favour of the rank and file, and help them to dislodge the refractory office-bearers.

VII. Delegates to the A. I. T. U. C. shall be elected by the entire members of the respective affiliated Unions in annual meetings convened for the purpose.

VIII. The Executive of the A. I. T. U. C. shall not make any agreement or enter into negotiation for the purpose of making one, with the employer or the government except with the knowledge and approval of the Trade Union of the workers in the particular trade or industry concerned. The terms of any contemplated agreement shall first be submitted to a delegates' conference of the Union for consideration and approval.

IX. The A.I.T.U.C. shall not affiliate itself with the International Federation of Trade Unions (Amsterdam International) because the latter supports or connives at the system of Colonial exploitation, nor shall it affiliate itself with any international body.

X. The A.I.T.U.C. shall not send delegates to the so-called International Labour Conference held under the auspices of the League of Nations, as the Indian workers can expect no good out of those conferences held expressly with the purpose of reconciling the interests of capital and labour.

XI. No representative of the A.I.T.U.C. shall accept nominated seats in the Central or Provincial Legislature, Municipality, Local or District Board nor serve on any Government Committee.

XII. The A.I.T.U.C. shall support and actively participate in the struggle for National Freedom from the point of view of the working-classes. It does not believe that any compromise between the foreign and Indian bourgeoisie (Responsible Government or Dominion Status) will ever change the condition of the workers substantially. The basic political demand of the Indian working classes is the termination of Imperialist domination, overthrow of capitalism, and socialisation of the means of production.

XIII. The A.I.T.U.C. shall fight for :—freedom of the press, freedom of speech, freedom of Assembly, freedom of Organisation and the right to bear arms.

# THE LIBERAL POLITY

## THE R.T.C. DEADLOCK AND LIBERAL WITHDRAWAL

### SAPRU-JAYAKAR STATEMENT

On the 29th. June Sir Tej Bahadur Sapru and Mr. M. R. Jayakar issued the following statement with regard to the Secretary of State's announcement on the 27th. June in the Commons :—

The statement made by the Secretary of State as to the future procedure of work which has hitherto been engaging the attention of the Round Table Conference or its ancillary committees, or His Majesty's Government, is of such far-reaching importance that it seems to us necessary that its full significance and implications should be clearly understood by the public at large.

2. The Round Table Conference has met twice in London. Its second session was over on the 1st. of December, 1931 but the Conference itself in its collective capacity was simply adjourned and not dissolved. With a view to carry on and complete the work, which could not be completed at its session in London, His Majesty's Government decided, with the concurrence of the Conference, to appoint certain committees, namely, (1) the Indian Franchise Committee, (2) the Federal Finance Committee, (3) the Indian States Enquiry Committee and (4) the Consultative Committee. The first two Committees have, after an extensive and exhaustive enquiry, submitted their reports which have been published. The third committee, namely, the Indian States Enquiry Committee has, however, been carrying on its work in England also. Its report yet awaits publication.

3. As regards the Consultative Committee, of which we have been members, it held two sessions at Delhi during the last cold weather under the chairmanship of His Excellency the Viceroy and was adjourned to meet again on the 23rd of May at Simla, when it was considered again necessary to adjourn its sitting to a future date.

4. It now appears that His Majesty's Government do not propose to call any further session of the Round Table Conference or to convene a meeting of the Federal Structure Committee in London. They have now published their proposals. The essential features of the new proposal are that (1) there will be a single Bill which will provide alike for autonomous constitutions of provinces and for a federation of provinces and States ; (2) they will proceed to give some time this summer a decision on those aspects of the communal problem which now retard progress ; (3) the Consultative Committee will reassemble and will proceed continuously with its programme of work bringing its collective advice to bear on the numerous and important questions entrusted to it, many of which were not examined by the Conference or its Committee in London ; (4) after the conclusion of the work of the Consultative Committee, but before the introduction of the Bill, a Joint Select Committee of Parliament will be set up to consider proposals of Government and thus Government propose to facilitate Indian cooperation and ensure its effective influence at the formative stage ; (5) if the course of the discussion in the Consultative Committee proves that the matter will not be ripe for formulating definite proposals for the consideration of a Joint Select Committee without further consultation of a more formal character, then arrangements will be made for the summoning of a body for further discussion in London, the size and personnel of which would be determined with reference to the number and character of subjects requiring further discussion.

5. This procedure is, in our opinion, very widely different from that contemplated by the Round Table Conference or the terms on which it was called. We will in this connection refer (1) to the historic announcement of Lord Irwin dated the 1st of November 1929, by which it was decided—with the concurrence of Sir John Simon, the Chairman of the Statutory Commission—to convene a Round Table Conference 'for the purpose of seeking the greatest possible measure of agreement for the final proposal which it would later be the duty of His Majesty's Government to submit to Parliament.' The full scope of this statement was further

explained by Lord Irwin in his inaugural address to the Indian legislature on the 9th of July, 1930, as follows :—'I am now', said Lord Irwin, 'able to define its (i.e., of the Conference) functions more precisely. After very careful consideration His Majesty's Government has reached the conclusion that it would not be right to prescribe for the Conference any terms more limited than in my statement of November last, and that the Conference should enjoy the full freedom that these words connote. The Conference will be free to approach its task greatly assisted indeed, but with its liberty unimpaired by the report of the Statutory Commission, or by any other document which will be before it. *It is the belief of His Majesty's Government that by way of Conference it could be possible to reach solutions* (the italics are ours) that both countries and all parties and interests in them can honourably accept. And any such agreement at which the Conference is able to arrive, will form the basis of proposals which His Majesty's Government will later submit to Parliament. From such a definition of the scope of the Conference it is clear that His Majesty's Government conceive of it not as a mere meeting for discussion and debate but as a joint assembly of representatives of both countries on whose agreement the precise proposals to Parliament may be founded.'

6. It will thus be seen that the essence of the method was that the proposals before Parliament would be made by Government on the basis of the largest measure of agreement that might be reached at the Conference. We feel that the new plan by dispensing with a further meeting of the Federal Structure Committee of the Round Table Conference, dispenses with and supercedes the deliberate policy of His Majesty's Government referred to above as regards the method of approach to the Indian problem.

7. In support of our view we would refer to the speeches of the Prime Minister, and Lord Lothian, the Under Secretary of State for India. In his speech at the last sitting of the second session of the Round Table Conference delivered on the 1st of December, 1931, the Prime Minister discussed the question of the machinery to be set up for close intimate consideration of specific problems, and in doing so he stated as follows :

(a) 'I propose, therefore, with your consent, to nominate in due course a small representative Committee—a *Working Committee of this Conference*—(the italics are ours) which will remain in being in India, with which through the Viceroy we can keep in effective touch. I cannot here and now specify precisely how this committee can best be employed. This is a matter which must be worked out, and must to some extent depend on the report of the Committee we propose to set up. *but in the end we shall have to meet again for a final review of the whole scheme.*' (The italics are ours).

(b) On the 2nd of December, 1931, the Prime Minister moved a resolution before the House of Commons asking for its approval of the Indian policy of His Majesty's Government. In the course of his speech Major Attlee interjected a question asking whether the Committees to be appointed were going to report back to the Round Table Conference and the Prime Minister in dealing with this question said, among other things, as follows :—

'I want to tell the House without any reserve that I am perfectly convinced that the work which has been done could never have been done by any method except the method of co-operation and consultation, and I say further that if any Government here will try to change that now, it would destroy all chance of continuing agreement and co-operation with India itself. The method by which the Round Table Conference has been handled is the only method that will enable India and ourselves to come to an agreement, to work that agreement in harmony, and to use that agreement for the benefit of India itself and also for the honour and good of the whole community to which we belong.'

Further the Prime Minister in reply to another question by Major Attlee, stated as follows :—

'Obviously the Round Table Conference will remain and in the end we shall have to meet again for a final review.' Thereupon Major Attlee said : 'It is satisfactory to note that the method of negotiation through the Round Table Conference is to continue, and that this is an interim process during which certain committees are going to report.'

(c) In moving the same resolution in the House of Lords, Lord Lothian, the Under Secretary of State for India, said as follows :—'At some later date when all the necessary material is ready, the Round Table Conference will reassemble in some

form for a final review of the whole scheme and thereafter a draft constitution will be presented by the Government for the consideration and decision of Parliament..

8. It will thus appear that it was clearly the intention of His Majesty's Government to reassemble the Conference for a final review of the work of the Committees when it would be possible for the representatives of British India, representatives of Indian States, His Majesty's Government and other British parties to come to certain agreements. We need scarcely point out that the safeguards, e. g. Finance, Defence and Foreign Policy have not yet been agreed to : indeed certain proposals were made on both sides and no agreement has finally yet been recorded. Now we desire to point out that in our opinion in the absence of the representatives of the British Government and the other British parties and the Indian Princes—whose Ministers have no authority to bind them—in the Consultative Committee, it is impossible for that Committee to register any agreements with British opinion, and such agreements, if aimed at, must stand over until select Indians meet the Joint Parliamentary Committee or until a formal but smaller body than the Round Table Conference is summoned in London in the contingencies contemplated by the new announcement. We cannot see why if the Government propose to bring about discussion between the Joint Select Committee and individuals on definite proposals and why if they contemplate also the possibility in certain contingencies of summoning a formal though small body of representatives, they should not have at once decided to constitute such a formal body which should meet in London to carry on discussions with the Joint Parliamentary Committee and to treat with it on terms of equality. Our insistence is not—and has not been—that the full Round Table Conference should be summoned for the third time, but we have urged it, and do still urge, that a smaller body, the personnel of which may inspire confidence, should meet for final review of the work of the Committee including the Consultative Committee—and for treating with British representatives. We certainly should not be assumed to favour the procedure so far as it contemplates the summoning, after the conclusion of the Consultative Committee, of individuals to be selected, by the Government. It would have been a different thing if in the selection of the representatives the Conference itself had any voice.

9. We are aware that it has been suggested in certain quarters that the Conference method has not been successful. Whatever persons not connected with the Conference may say with regard to this matter, the Prime Minister himself observed in his statement before the Conference that 'these conferences have not been a failure in any sense of the term'. We ourselves are respectfully prepared to endorse this view.

10. We were painfully conscious at the last session of the Conference that a certain section of British opinion, which in the altered state of Parliamentary parties possessed considerable influence, did not favour the Conference plan and thought that it would lead to no good, but we are also conscious that the mutual exchange of views and the timely intervention of the Prime Minister himself and of British statesmen like Lord Reading, Earl Sankey, Mr. Wedgwood Benn, Mr. Ives-Smith and Mr. Pethick Lawrence, enabled the last Conference to get over certain critical situations which seemed to threaten its very existence and to bring to an abrupt end the work that it had up to that stage been able to accomplish and to destroy the spirit which it had generated.

11. We are aware that His Majesty's Government have taken an important decision in so far as they indicate their intention now to proceed with a single Bill, but it is clear from the announcement that they propose to introduce the Provincial constitutions first, the Federation following later. Our support of the single Bill plan should not be, in any manner, assumed to carry with it the support of all the implications of the passage dealing with it in the official announcement. If the hiatus between the Provincial constitution and the Central constitution is going to be a long one—and we have reason to apprehend this danger—then we can not clearly support such a proposal. Again when it is said that before an All India Federation materialises, the units concerned must be prepared actually to federate we must strongly dissent from this proposal if it means that it will be left to the Provinces to decide whether they will or will not join the Federation, for it is clear that one single province may, by adopting a perverse and obstinate attitude, hold up the Federation indefinitely, and thus make the provision in the Bill absolutely



nugatory. Of course we recognise that so far as the association of the Indian States is concerned, Parliament can only provide for their entry on a voluntary basis but to extend this principle of voluntary basis to the Provinces is, in our opinion, to endanger the whole scheme of Federation. In our discussions in England with British statesmen we repeatedly pressed this point of view and we continue to be of the same opinion.

12. Coming to the question of delay, no one is more anxious than ourselves for the early establishment of the new constitution but we can not see how the summoning of 14 or 15 members of the Federal Structure Committee from British India and 9 members from Indian States, the rest being in England, would have caused any material delay. In any case it seems clear from the announcement itself that the drafting experts have not been sitting idle, for if definite proposals are to be the basis of future discussion, they can be put forward either as clauses of a Bill or as propositions which may ultimately be shaped into clauses and thus it seems to us that there can not be much room for apprehending delay by sticking to the old basis. It is not difficult to read in the new announcement a considerable measure of pressure exercised upon the Government by the overwhelming majority of the Conservatives in Parliament and our experience of last year justifies us in viewing the new proposals of the Government critically.

13. We have approached these proposals with every desire to understand them and to promote the work that lies ahead, but the announcement, as it has appeared, is not sufficient, in our opinion, to enable us to form a final judgment. We shall await reports of Parliamentary debates which may possibly make the position more clear. We shall also await further developments and then issue a further statement defining our attitude.

## W. I. NATIONAL LIBERAL ASSOCIATION'S RESOLUTION

### HOARE'S POLICY—A DEFINITE BREACH OF PLEDGES

The Council of the Western India National Liberal Association at a meeting held at Bombay on the 4th. July, with *Sir Chimantlal Setalvad* in the chair, passed the following resolution :—

"The Council enter their emphatic protest against the action of the Governor-General in renewing the ordinances promulgated in January last. Whilst the scope and extent of and the areas within which the consolidated ordinance is made operative are restricted for the present, the Council cannot conceal their repugnance to the continued administration of the country by means of drastic measures promulgated by the executive. The Council note that the Government have seen their way to drop some of the unnecessarily severe provisions which existed in the former ordinances, but the special powers now assumed are no less stringent and equally capable of encroaching on the personal liberties of the citizens irrespective of their political creed. It was the duty of the Government to obtain the necessary special powers from the Legislature, if in their opinion a state of emergency continued to exist which warranted the use of such powers. The Government's failure to approach the legislature in this respect, as is contemplated at least by the spirit if not the letter of section 72 of the Government of India Act, is in the opinion of the council not calculated to enhance respect for laws and for methods of constitutional government. The action of the Government in renewing the ordinance accompanied as it is by the reactionary pronouncement of the Secretary of State regarding changes in constitutional procedure, will inevitably tend to greater embitterment of feelings and stand definitely in the way of speedy restoration of normal conditions in the country."

## THE ASSOCIATION'S STATEMENT

The Council of the Western India National Liberal Association also simultaneously issued the following statement :—

The Council regret that their apprehension regarding the rumoured change of procedure in connection with Indian constitutional reforms have been confirmed by the pronouncement of the Secretary of State for India in the House of Commons on June 27 last. In the opinion of the Council the plan now proposed contemplates

a definite and complete abandonment of the method of the Round Table Conference as enunciated by Lord Irwin in his famous declaration of November 1, 1932, and in his speech in the Legislative Assembly on July 9, 1930, and as hitherto followed in practice. The essence of the conference plan as is well known was free co-operation between the British and Indian representatives and those of Indian States on equal terms for the purpose of arriving at an agreed solution which was to form the basis of constitutional proposals which His Majesty's Government would place before Parliament. The Council have no hesitation in stating that the new procedure is at every stage a negation of the fundamental idea underlying the Round Table Conference and an attempt to restore in effect the procedure proposed for the Simon Commission which met with such nation-wide condemnation.

2. The Consultative Committee, the personnel of which never inspired much confidence, cannot put forward any agreed proposals on matters before it as it contains no representatives of His Majesty's Government or other British political parties and of the Princes. It is this body that is now called upon to tender its collective advice on the numerous and important questions entrusted to it many of which were admittedly not examined by the conference or its committees in London. The Council fail to understand how it can be suggested that no serious departure is contemplated from the original plan when this committee is asked to function as an advisory body on many subjects of vital importance without submitting its report for consideration by the parent body along with those of other committees appointed with it. The Council cannot also approve of the new proposal to invite a few individual experts to hold informal discussions in London on such specific problems as financial safeguards, nor is a small body of representative Indians who may be called to confer with the Joint Parliamentary Committee expected to negotiate any terms of agreement on behalf of India. They will try at the most to exert an effective influence on the decisions of an all-British Parliamentary committee regarding proposals to which the Government would be more or less committed. Indian representatives will not further be a party to the report which the committee will submit to Parliament. The possibility suggested of a few Indians being invited to hold more formal discussions in London in case the proceedings of the Consultative Committee prove infructuous is also not acceptable since this body will not in any sense be an adequate substitute for the Federal Structure Committee or the Round Table Conference.

3. In the opinion of the Council the whole of the new procedure now formulated is not 'slight variation' from the original method of the Round Table Conference, but a deliberate departure from the previous plan on the basis of which the Indian leaders agreed to cooperate. The Council regard the new announcement as definite breach of definite pledges given from time to time by the Prime Minister on behalf of His Majesty's Government and they, therefore, cannot accept it.

4. The Council are convinced that the plea of delay which Sir Samuel Hoare has put forward can well be met by immediately scrapping the Consultative Committee which because of its composition, status and powers is incapable of advancing the stage of constitutional reforms with expedition. The Council also fail to understand why the communal award, delay to giving which has been mainly responsible for the aggravation of the communal tension in the country, cannot be announced without any further loss of time. As soon as the award is made the Council would suggest that a meeting of the Federal Structure Sub-Committee be convened in London with the addition of a few more members, if necessary. His Majesty's Government ought to be ready by that time to place their proposals on the lines generally agreed to at the previous sessions of the Round Table Conference, while proposals can be framed tentatively also with regard to matters like defence and financial safeguards. In case His Majesty's Government do not favour the calling of the whole Round Table Conference, the Federal Structure Committee should be given authority and status to negotiate the terms of agreement on all subjects and these should form the basis of the final proposals to be placed before Parliament by His Majesty's Government. The Council feel that if such a procedure had been proposed there need not have been even a further stage of conferring on the part of the Joint Parliamentary Committee with a small body of Indian representatives as now proposed before the Bill is framed.

5. The Council note with some relief that it is proposed to introduce a single Bill in Parliament embodying the proposals both for autonomous provinces and an All-India Federation. But the interval between the actual inauguration of the Federation and the conferment of autonomy on the provinces is likely to be unduly

prolonged if the Federation is made dependent upon the Indian States being prepared actually to federate and on the condition that the proposal to be laid before Parliament to this end must be complete in all its essentials. The Council consider this plan as necessarily vague and calculated to give rise to suspicions regarding the Government's intentions for the early inauguration of an All-India Federation with responsibility at the centre. In the opinion of the Council any scheme which lacks in effect practical simultaneity in the introduction of reforms in the centre and the provinces is bound to prove fatal to the successful working of the future constitution.

6. In the face of the Secretary of State's pronouncement which the Council consider as extremely disappointing and in view of the procedure which is now announced which the Council have to reject as unacceptable, the Council urge upon the executive of the All-India National Liberal Federation to recommend to the Federation to reconsider the whole position of the Liberal party in regard to all further stages of the constitutional enquiry and to take such further action as they may deem necessary.

## U. P. LIBERAL ASSOCIATION'S STATEMENT

The Committee of the United Provinces Liberal Association having considered, at a meeting held at Allahabad on the 2nd. July 1932, which was attended also by some members of the Association who were not members of the Committee, the announcement made by the Secretary of State for India in the House of Commons on June 27, 1932, on policy, procedure and programme regarding constitutional reform and the continuation of rule by Ordinance, resolved to authorize the Joint Secretary of the Association to communicate the following statement of their opinion to the Secretary to the Government of India in the Home Department, Reforms Branch and the Private Secretaries of His Excellency the Viceroy, the right hon. the Secretary of State for India and the right hon. the Prime Minister, and to the Secretaries of the Council of the National Liberal Federation and the Secretaries of provincial organizations of the Federation, and to publish it for general information :

### THE STATEMENT

1. The Committee of the United Provinces Liberal Association deeply regret the decision of His Majesty's Government to abolish the Round Table Conference before it has concluded its important work, notwithstanding the assurance of the Prime Minister to the Conference on Dec. 1, 1931, and his declaration in the House of Commons on the following day. Having regard to the circumstances in which the Conference was called into being, and specially in view of the authoritative statements explanatory of its high purpose made by Lord Irwin as Viceroy on Oct. 31, 1929, and Jan. 25 and July 9, 1930, the Committee cannot but feel that in the decision now announced, there is a definite breach of engagement by the British Government with the people of India.

2. The procedure that at present finds favour with His Majesty's Government cannot commend itself to Indian nationalists who objected to similar procedure in connection with the Simon Commission and withheld all cooperation from that body. The objection was that in the settlement of the future constitution of India, Indians themselves were only thought fit to assist in a subordinate capacity as witnesses, or as members of auxiliary committees, or as persons with whom a committee of Parliament might discuss or confer, but not deemed entitled to take an equal and effective part with the British in the determination of what was good for their own country. This criticism, accompanied as it was by the Nationalist boycott of the Commission and its auxiliaries and the strong India-wide agitation that followed, made such impression on the then Government in India and England that the Round Table Conference was offered so that Indian distrust and discontent might be allayed and Indians might take their proper place in the deliberations of the new constitution.

3. What has since happened to justify an unmistakable departure from the Conference method and a reversion to the abandoned procedure adumbrated in connection with a Commission which was so unpopular with Indian reformers? If the Conference was large in size, the responsibility for it as well as for the actual selection of its personnel rested entirely with the Government. In actual fact, while it is true that a body representative of India could not be very small, Indian opinion never felt that it was necessary to make it as large as it was and was

never satisfied with the nominations made by authority. If the Conference took time to reach conclusions after discussion, there was nothing unreasonable in this, regard being had to the nature, the importance and the complexity of the issues it had to grapple with, more particularly since an all-India federation was made the objective and the basis of the future constitution. Still, the Committee think it likely that more would have been accomplished if His Majesty's Government had set forth their own intentions in good time, if they had not allowed needlessly long intervals between the Announcement and the Conference and between its first and second sessions, and if an obvious attempt had not been made to bring its second session to an abrupt termination.

4. The failure of the Conference to reach a settlement by consent of the communal question has been made much of. The Indian Liberal Party is non-communal and is pledged, and endeavours to the best of its power, to consider public questions from the national and not a communal point of view. But it is constrained to stress the fact that it is not on Indian nationalists that the responsibility lies for the creation of the communal problem in its present form nor for its accentuation nor for its continued existence. The reasons for the failure of the attempts to reach a settlement were more or less well known, and it was clear at an early stage of the Conference that a decision would have to be taken by His Majesty's Government on their responsibility. For delay on their part in taking and announcing a decision the Conference cannot be blamed.

5. Certainly, it is important that further progress should be made without avoidable delay. There can be no two opinions on this point. But there can be expedition without the substitution for the Conference method of a procedure which was rejected by Indians in 1927-28 as it involved the imposing upon India of such constitution as the British might think to be good enough for her. His Majesty's Government have stated that they will place before the proposed committee of Parliament their own proposals which will be the basis of discussion. Surely, they can place the identical proposals before the Round Table Conference and proceed to the drawing of a bill for introduction in Parliament on the basis of the report of the Conference. It will embody the joint opinions of the Indian equally with the British members and not exclusively those of the latter. Merely to give a hearing to Indians is surely very different from their taking equal part with the British in the formulation of proposals.

6. The National Liberal Federation of India deliberately rejected in 1927 the opportunity of subordinate co-operation then offered to India in connection with the Simon Commission, but as soon as the Round Table Conference was announced two years later, it resolved to co-operate whole-heartedly. It is not for a component part of the Federation to decide what Liberals should do now, but the Committee of the United Provinces Liberal Association would invite the urgent attention of the Council to the analogy between the position as it was in 1927 and as it is now, with the aggravating circumstance that the right of equal co-operation between the British and Indians having since been definitely recognized, is now withdrawn for no fault of the Indians themselves.

7. While the Committee are gratified by the announcement that the future constitution of both the central and provincial governments will be the subject of one bill, they are concerned to notice that it is evidently thought to allow a more or less considerable interval between the introduction of provincial autonomy and central responsibility. To any such idea the Committee must offer strenuous opposition. It is the deliberate conviction of the Committee that the greatest need of India is a responsible central government and that this urgent reform cannot be put off without grave risk to national interests. And it ought not to be postponed nor need it be. The Committee are enthusiastic supporters of all-India federation and are confident that it will be a fact sooner than later. But they do not agree, in principle or on the ground of expediency, to the establishment of a responsible central government in British India being made dependent upon the achievement of all-India federation. British India has the right to self-government, independently of the willingness of Indian States to federate with her, and she will not be denied.

8. Provincial autonomy without a responsible central government cannot be expected to function satisfactorily, as friction between autonomous provincial governments and an irresponsible central government is almost inevitable. And the Committee apprehend serious difficulties from a hiatus between the introduction of responsibility in the provinces without the needed change at the centre. In particular the Committee have read with deep concern the passage of the Secretary of State's

announcement which evidently contemplates that the autonomous provinces of the future should be free to enter or not to join a federation. If the Secretary of State meant all that his language conveyed, the introduction of provincial autonomy in anticipation of an all-India federation and without a concurrent or an almost concurrent introduction of responsibility at the centre may become a menace to the nation and will have to be registered by every legitimate means.

9. The Committee of the United Provinces Liberal Association strongly protest against the spirit and temper as well as the substance of the Secretary of State's observations on the general political situation and on the Ordinances, their purpose, their administration and their renewal. The Committee reiterate their conviction, recorded in several of their resolutions, that rule by Ordinance could not win the support of opinion nor conduce to trustful relations between the people and the Government; that in any case, such Ordinances were never necessary; that they were administered with great and unwarranted severity, and that they rendered co-operation with Government increasingly difficult. And such utterances as the Secretary of State's, instead of conciliating, can but greatly increase discontent and difficulties.

10. The Committee see no reason to modify their opinion after consideration of the new single consolidated Ordinance. It reproduces the most obnoxious provisions of the Ordinances which it replaces, and is open to still stronger objection than the latter in that it continues for one more half year the reign of executive discretion which is always liable to abuse and has in fact been misused. And notwithstanding the initial restriction of the areas where some of its provisions will be in force, the Committee cannot hope that an improvement in the political situation will follow from the operation of such executive laws. The result is bound to be positively detrimental.

## THE S. I. L. FEDERATION'S STATEMENT

The South Indian Liberal Federation ( City Branch ) met on the 5th. July at the Theagaraya Memorial Buildings, Madras under the presidency of *Dewan Bahadur A. Ramaswami Mudaliar*, and considered the recent announcement of the Secretary of State on Reforms procedure. The Federation issued the following statement on Sir Samuel Hoare's announcement :—

We have perused, with the care and attention that it deserves, the statement of the Secretary of State regarding the procedure to be adopted for completing the Indian Constitution. The statement undoubtedly makes many alterations of a serious nature in the plans for constitutional settlement proposed by Lord Irwin on behalf of His Majesty's Government in 1929 and accepted by the country, and in particular by those sections of the public which have helped in discussing constitutional problems since that announcement. The merit of that announcement lay in the fact that the policy of unilateral decisions which reached a climax in the appointment of the Statutory Commission was definitely rejected and gave place to the policy of conferences designed to arrive at mutual agreements. If the new proposals of Sir Samuel Hoare in any way imply or, in the actual working, are found to involve a departure from that policy and to result again in unilateral decisions instead of mutual agreements on the basis of equality of status of delegates, we have no hesitation in stating that no section of Indian politicians will be found to accept with equanimity so radical a change. But we note that the Secretary of State has emphasised it in his speech, that no deviation in the method so far adopted is intended. With the desire of the Secretary of State and of His Majesty's Government to expedite the framing of the Constitution and to do everything in their power to bring into existence as speedily as possible an All-India Federation, we are in complete agreement. The statement, however, raises certain issues, the implications of which we are not able to clearly understand and on which we should like to have further light thrown before we are in a position to state how far the new plan conforms in essentials to the old.

Before we examine the proposals of Sir Samuel Hoare, we must refer with regret to the manner in which the decision has been arrived at by His Majesty's Government. It seems to us neither fair nor courteous to the Indian Delegates of the R. T. C. that without any reference to any of them such a change in procedure should have been decided upon. It is obvious that the Government has placed ~~them~~ in an extremely false position by the manner in which it has come to a

decision on the subject. If the Princes have been consulted beforehand and only the British Indian delegates have been ignored, it only aggravates the impolicy of the step. We are bound to record our deep dissatisfaction at this procedure.

The decision of His Majesty's Government to give effect to their constitutional policy by means of a single Bill, providing alike for autonomous constitutions of provinces and a Federation of provinces and States, is certainly welcome to Indian opinion, which has urged for practically simultaneous advance in responsibility both in the provinces and at the Centre. The statement, however, suggests that "the units concerned must be prepared actually to federate." Doubts have been raised in some quarters whether this implies that British Indian Provinces will have the option to join the Federation or keep out of it and secondly, whether the Federation can only be constituted if every single State is prepared to join such a Federation. Either of these hypotheses will, in our opinion, effectively prevent the formation of a Federation; and, while we feel sanguine that His Majesty's Government could not have intended to lay down conditions so onerous and almost impossible of fulfilment, we feel at the same time that such doubts can well be dissipated by a clear statement on the subject from an authoritative source.

The statement also says that "there must be reasonable assurance forthcoming at the time the Bill is introduced that the financial and other provisions for the cementing of the structure will enable the provinces, the States, the Federal Government and Parliament alike adequately and harmoniously to fulfil their several functions and that the interests which require to be safeguarded shall be assured of practical and efficient protection." We regret our inability to understand the exact meaning or implications of this statement. It is not clear from whom these "reasonable assurance" are to be forthcoming, who is to judge the reasonable character of such assurances, and in particular, with reference to the financial provisions for cementing structure, whether each province will have to be satisfied independently before the Bill for a Federation can even be considered by the Government. If this passage means nothing more than that an agreement should be arrived at between British Indian representatives, the representatives of Indian States and Parliament as regards the financial provisions for the provinces and for the Federation and safeguards for various interests, the proposition is so self-evident that no one need seriously question it; but, if it means anything else, it is our earnest desire that His Majesty's Government should make the point quite clear.

We note with some amount of melancholy satisfaction that His Majesty's Government will announce their decision on the communal question, as in the absence of an agreement by the communities concerned, there is no alternative to that course. The statement says that the Consultative Committee will discuss matters which affect both British India and Indian States; but, as has been pointed out more than once, the absence of responsible and representatives delegates of Indian States and of British Parties on the Committee must make it extremely difficult for any useful discussion by the Consultative Committee on matters which affect both British India and Indian States.

If the Consultative Committee is not able to make as much progress as His Majesty's Government hope it would, His Majesty's Government will make arrangement whereby a small and manageable body of delegates will be summoned for such further discussions in London as may be necessary to complete Government proposals which will be placed before the Joint Parliamentary Committee. It is not suggested on what basis this body, the miniature Round Table Conference, as it has been termed, will meet; and doubts have again been expressed whether this would be merely a consultative body or whether its position will be more or less analogous to that of the Round Table Conference. We interpret the declaration to mean nothing less than that in the event of the Consultative Committee not being able to arrive at conclusions on important issues owing to reasons which we have already indicated. His Majesty's Government will convene what in effect will be a replica of the Round Table Conference, greatly diminished in size undoubtedly, but, to a corresponding extent, increased in efficiency, weight and capacity to arrive at agreed decisions. It will greatly help us in understanding the statement, if this point is cleared up by an authoritative statement.

Finally, before the Bill is introduced in Parliament His Majesty's Government hope to place proposals before the Joint Select Committee composed of all parties in both Houses of Parliament. It is proposed that this Joint Committee will have the

power to confer with representatives of Indian opinion, and the statement suggests that it will facilitate Indian co-operation and ensure its effective influence in what is probably the most important stage in the shaping of Constitutional Reforms. The last suggestion, to a certain extent, is in accordance with what Lord Irwin stated in his address to the Central Legislature on the 9th of July 1930, except in so far as the Joint Parliamentary Committee is constituted before Parliament is seized of any Bill and has in its possession merely the draft proposals of His Majesty's Government. It is not quite clear whether Indians invited for conference with the Joint Select Committee will have to individually express their views or will go in a body before the Committee. It is not clear, moreover, in what sense the Joint Select Committee will confer with representative Indian opinion. It has been suggested in some quarters that at this stage Indians will appear before the Joint Select Committee, more or less in the capacity of witnesses, whether they appear singly or in group. It has further been stated that the report to be submitted to Parliament will be only that of the Joint Select Committee and that in the framing of that report or in the conclusions to be arrived at, which will be embodied in the report, the Indian section will have no part. Doubts have, therefore, arisen whether the Conference is not strictly confined to mere testimony which may, no doubt, greatly influence but which cannot possibly have a share in the decisions. It is true that the Secretary of State has suggested that the terms of reference to the Joint Select Committee will be mentioned at the time when a motion is made for the appointment of that Committee. It would certainly facilitate an appreciation of the share which Indians will have at this crucial stage in the deliberations, if the point is made clear as to in what capacity Indians will sit with the Joint Select Committee and how the proposed conference will take place.

As we have already stated, we have approached the statement of Sir Samuel Hoare with a desire to understand and with every desire to be as helpful as possible. We realise that bare criticism of proposals alleged to be made with the best of intentions will hardly serve any useful purpose. At the same time, we venture to suggest that the value of the new Constitution will greatly be enhanced by the fact that Indians had a share in the actual framing of it. We would further point out that the capacity to work the Constitution by any constitutionalist or Liberal Party in the teeth of undoubted opposition will depend as much on the excellence of the Constitution as on the fact that such constitutionalists had equal responsibility in framing the Constitution and were, therefore, bound to work it successfully. It is with these ideas that we have ventured to put forward various points which arise on a consideration of the Secretary of State's statement, and we hope that an elucidation of such points will be forthcoming so as to enable us to make up our mind as to how far the plan adumbrated by the Secretary of State can be commended to constitutionalists all over the country.

Since the statement was prepared, we note with pleasure that one of the doubts has been removed by the official announcement that provinces will not be among those units which will have an option to federate.

## SIR SAMUEL HOARE'S APOLOGIA

### DEFENCE OF NEW PROGRAMME

Sir Samuel Hoare in a speech at a dinner of the Central Asian Society, London on the 7th. July, after disclaiming any pretence to know all about India, said :

"I have soon realised the fact that some one is always certain to suspect your motives and believe that your action is prompted by some ulterior motive. I give you the example of what I mean from the events of last two or three days.

"Almost every Indian with whom I have and had communications during the last two years has constantly impressed upon me the need of swift action and definite decisions in the field of constitutional reform. I agree with my Indian friends. A long period of uncertainty is bad for everyone. It creates suspicion, undermines authority and saps the foundations of friendship.

"We here were no less anxious to bring this period of uncertainty to an end as soon as possible and we accordingly came to the conclusion that it was necessary to speed up the procedure under which constitutional changes were being discussed. Our change of procedure meant no change of policy. We are just as anxious to-day as we were when the Round Table Conference first met in London for all help that

we can get from representative Indians. We felt, however, that if decisions were to be made in any reasonable time, it was quite essential to get away from the big and almost endless, formal discussions that we have had for the last two years and substitute for them much more free, intimate and definite consultation.

"Yet within a few hours from the declaration of this programme, a section of Indian opinion jumps altogether into the erroneous conclusion that we no longer wish Indian co-operation and that the change of method means a change of objective.

"If, however, our Indian friends will scrutinise with care and impartiality the programme we have drawn up, they will see that their criticisms are based on a misapprehension of its meaning. Particularly do they seem to have misunderstood the procedure of the Joint Select Committee of both Houses to which the Government proposals will be referred for the first time in our constitutional history. A joint select committee of this kind will meet before the Constitutional Bill has been read for the first or second time in Parliament.

"This unprecedented proposal is definitely intended to meet the Indian desire to be consulted before any irrevocable decision is reached. Moreover, the Government intends to ask both Houses to agree to the procedure under which Indians will be enabled not only to appear as witnesses but also participate in the discussions of the Committee. I hope, I have said enough to clear up finally the misunderstandings which seem to have arisen."

### SAPRU ON HOARE'S EXPLANATION

Interviewed by a representative of the LEADER in connection with the speech of Sir Samuel Hoare at the dinner of the Central Asian Society, London, Sir Tej Bahadur Sapru said on the 9th. July :—

I have very carefully read the speech delivered by Sir Samuel Hoare at the Central Asian Society dinner in London on July 7. Of course it proceeds on the assumption that we have imperfectly understood the new plan, and that we are suspecting the motives of the authors of the new plan under the belief that their action is prompted by some ulterior motive. The importance of Sir Samuel Hoare's speech lies in both what he has said and what he has left unsaid.

First, as to what he has said. He justifies the new plan by saying that it will enable them to substitute for the 'endless formal discussions' of the last two years 'much more free, intimate and definite consultations'. Why this haste then? What is it that he and his colleagues propose to produce by speeding up the process, assuming that the old method was dilatory? Of course, provincial autonomy in 1933. The federation must be left over until an undefined future when if conditions are fulfilled it may materialise. It is clear that much of this anxiety for expedition has no other objective than immediate provincial autonomy. On this question a large number of the R. T. C. delegates published a statement in London which will bear perusal now. It was issued at a very critical juncture.

Then next defending the procedure of the Joint Select Committee, his explanation only tends to confirm what I have said about it. He says, 'Government intends to agree to procedure under which Indians will be enabled *not only to appear as witnesses* (italics are mine) but also participate in the discussions of the committee.' The Prime Minister in his speech in the House of Commons, from which I have quoted in my resignation, took pains to point out the distinction between the position of Indians as witnesses and their position as 'cooperators in consultation' at a joint conference. Does the right to participate in the discussion mean and imply the right to arrive at agreements with Government which was the original basis of the R. T. C.? I submit not, for that is now excluded. We shall no longer have the right to ask Government: 'How far do you agree with us?' Under the new procedure, the Select Committee alone can and must report to Parliament. Indians as outsiders can only discuss. Now, compare this with what Lord Birkenhead said in putting his proposals about the Simon Commission in the House of Lords. Talking of the functions of the Indian Committee which was at that time appointed simultaneously with the Simon Commission, Lord Birkenhead said: 'It has been most irrationally assumed that they are merely to appear as witnesses before the commission. That is not the case. They are invited, in a spirit of great sincerity, to cooperate as colleagues with the commission. It is contempla-



ted that they shall prepare in advance.....their own proposals and come before the commission and say "these are our suggestions."

In an inspired cablegram sent from London on July 7 which appears simultaneously with Sir Samuel Hoare's speech two things are said :—

(i) 'The central idea is that the conclusions to be reached by the Consultative Committee at Simla will provide the material which is necessary before His Majesty's Government can formulate their scheme with such modification as the proposed discussions in London might suggest.'

(ii) 'The Joint Parliamentary Committee should have a sitting with them in a capacity resembling that of the assessors (*italics are mine*) and the Indian representatives should be chosen for their wide knowledge and experience.'

There are some explanations which make the thing explained look worse than it is and Sir Samuel Hoare's explanation is an instance in point. Let him not with an air of injured innocence say that it is due to our imperfect study or appreciation of his new plan that we have rejected it. We have known how the Conservative mind has been working in relation to the Round Table Conference since at least November last. We issued our protest against it in London and also made a formal representation about it to the Prime Minister.

It is no use reconciling the irreconcilable. It is open to Sir Samuel Hoare and the Government to say that they have abandoned the old method and deliberately adopted a new one. Then the question will be whether this was right and politically and morally defensible. Conservative opinion—never friendly to the Indian demand—has undoubtedly hardened and stiffened against India now and is in a position to assert itself. Fine words and ingenious explanations, therefore, cannot conceal the hard facts of the situation. If there is no change of policy, then why is Sir Samuel Hoare so reticent about the Prime Minister's open declarations about the R. T. C. reassembling again? The fact is that in November and December last the National Government was not so firm in the saddle as now and what Mr. Churchill and the Conservative back-benchers could not secure then, they have been able to secure now.

## THE SAPRU-JAYAKAR-JOSHI RESIGNATIONS

### Mr. Jayakar's letter to the Viceroy

The following is the full text of Mr. M. R. Jayakar's letter to H. E. the Viceroy, conveying his resignation from the Consultative Committee, dated, Bombay, the 8th. July :—

For reasons mentioned in detail in the statement which Sir. Tej Bahadur Sapru and myself have issued to the Press, a copy of which I herewith submit for Your Excellency's perusal, I am placing in Your Excellency's hands my resignation of the membership of the Consultative Committee. I have given the matter very careful consideration and I have come to the conclusion that I cannot any longer usefully serve on the Consultative Committee. What had drawn me into co-operation with the work of the Round Table Conference was its method. We were to proceed in an atmosphere of equality and good-will and by a process of give and take arrive at an agreement on the constitutional question on which the structure of the future Government of India was to be built to the mutual advantage of India and England. I accepted Lord Irwin's invitation to participate in this great experiment because I thought it opened a new era in the history of India.

The functions of the Round Table Conference were stated by Lord Irwin in his announcement of 1st. November, 1928, and further explained in his inaugural address to the Indian Legislature on the 9th July, 1930. According to him His Majesty's Government's conception of the Round Table Conference was that it was not a mere meeting for discussion and debates but was a joint assembly of representatives of both the countries on whose agreement precise proposals to Parliament were to be founded. The same idea was emphasised by the Prime Minister in his speech in the Commons on the 2nd December last when he moved a resolution for the approval of his policy as embodied in the White Paper. According to the Prime Minister, negotiations with Indian representatives were to be carried on until the point is reached when the proposed agreement is initialled—a very well-known stage in the negotiation of treaties. When parties to the negotiations initial it, then at that point, the House of Commons is asked whether it

agrees or whether it disagrees. If it agrees that is all right. If it disagrees, I think most Governments would regard disagreement as a vote of no-confidence and would take steps accordingly.

It was this feature that drew me into co-operation with the work of the Round Table Conference and like some of my colleagues I attended the sittings of that body twice in London, in spite of great personal inconvenience, and devoted with a single mind my time and energy to the work of the Conference with full faith in the efficiency and ultimate success of its method.

Notwithstanding all the words which the Secretary of State has employed in foreshadowing the future procedure, I cannot help feeling that the Round Table Conference method has been deliberately abandoned. The new procedure dispenses with the meetings of the Federal Structure Committee and of the Round Table Conference, alters the character and scope of the Consultative Committee and provides for consultation before the introduction of a Bill between members of the Joint Select Committee of both the Houses and select Indians, who may be asked to go to England.

I am aware of the departure from the usual method which has been made in so far as the proposed conference between members of the Joint Select Committee and select Indians takes place before the introduction of the Bill and not afterwards, but I fear that this slight variation will not secure to India the full benefits of the methods so far pursued. I shall assume that the position of the Indians, who will go to confer with the Joint Select Committee, will not be that of mere witnesses, as it was at the time of Mr. Montagu's Bill of 1919. Nevertheless, it seems to me that Indians cannot be members of the Joint Select Committee and that such a committee cannot share the responsibility to Parliament with any outsiders. Further, I would submit that the exchange of views and collaboration with the Joint Select Committee are very different in essence from the procedure of the Round Table Conference, according to which agreements had to be reached by negotiations and proposals laid before Parliament on the basis of these agreements. The vitiating feature of the new plan is that, while selected Indians may have all opportunities of making their views known, final decisions will be taken exclusively by the British Government on its own responsibility and not on the basis of agreements arrived at between Indian and British representatives meeting together in free and equal conference with a view to arriving at agreements.

The distinction between the two methods, if I may remind Your Excellency, was pointed out by the Prime Minister himself in his speech in the House of Commons to which I have referred above. "When" said the Prime Minister "the Simon Commission was set up, the intention of the Government, when it received the report, was to proceed to draft the constitution upon that report, to bring it before this House and to send it to the Joint Committee of both Houses and that, when that Joint Committee was examining the details of the constitution as drafted, the Indians should be invited to come over here practically in the position of witnesses. They would not be co-operators in consultation. They could express his views but that would be roughly the position they would hold."

I feel strongly that the pledges solemnly given in this behalf by British statesmen, before and during the session of the Round Table Conference, notably by the Prime Minister, have been abandoned and for the moment, the forces of reaction, have succeeded in scotching the method which always appeared to be unpopular in the extreme Conservative circles.

I am sorry that all the good work which we did during these two years and the mutual goodwill and esteem it generated should have been so abruptly brought to an end without the consent and approval of those, who had participated in the work. If the work had been allowed to continue and reach fruition, I feel confident that the British people would have proved to the world that they had found a new way by which a proud and ancient people, in the grip of foreign rule, could achieve their freedom by negotiation, goodwill and persuasion, forsaking the old methods of embitterment, hatred and revolution, but, unfortunately, this was not to be. Permit me to leave the matter there though one feels tempted to analyse the consequences.

For all these reasons, after a prolonged consideration of the issue involved, I have come to the conclusion that the variation effected in the procedure is not merely of form but of substance. My faith in the method hitherto pursued continues unaffected but I have no such faith in the new procedure and I feel that I

cannot any longer usefully serve on the Consultative Committee, which has now ceased to be the Working Committee of the Round Table Conference for the simple reason that there is to be no such conference which can make a final review of its work. I, therefore, feel it my duty to place this resignation of my membership of that Committee in Your Excellency's hands. May I, in conclusion, thank Your Excellency for the courtesy you extended to me as a member of the Consultative Committee and also during the talks we had in Simla."

#### Sir Tej Bahadur's Letter to the Viceroy

Sir Tej Bahadur Sapru, in his letter of resignation, addressed to H. E. the Viceroy, as Chairman of the Consultative Committee, dated, Allahabad, the 8th. July, wrote as follows :—

Your Excellency,—I have very carefully considered the official statement of the Secretary of State for India in the House of Commons which was issued from Simla on the 27th June. His Majesty's Government had come to the conclusion that an expeditious treatment of the outstanding questions will best be secured by following that programme though it involves some variations in method; but, on the contrary, it strikes me as a very vital departure from the method of the Round Table Conference, which attracted so many of us in 1929, when it was announced by Lord Irwin with the authority and concurrence of His Majesty's Government and for the success of which many of us have been working during the last three years.

The functions of the Round Table Conference were stated by Lord Irwin in his announcement of 1st. November 1929 and further explained by His Excellency in the inaugural address to the Indian Legislature on the 9th July 1930. According to him, His Majesty's Government conceive of it not as a mere meeting for discussion and debate but as a joint assembly of representatives of both countries on whose agreements, the precise proposals of Parliament may be founded. The same idea was emphasised by the Prime Minister in his speech in the House of Commons on the 2nd December last when he moved a resolution for the approval of his policy as embodied in the White Paper. According to the Prime Minister, "the Cabinet must carry on negotiations until the point is reached when the proposed agreement is initialled, a very well-known stage in the negotiation of treaties. When parties to the negotiation initial it, then at that point the House of Commons is asked whether it agrees or whether it disagrees. If it agrees, then it is all right. If it disagrees, I think most Governments would regard the disagreement as a vote of "No-Confidence" and would take steps accordingly."

This procedure was followed up to the conclusion of the last Round Table Conference. Agreements on certain broad questions were arrived at but there were other questions on which no agreements could be arrived at, partly because of the want of necessary material, partly because certain preliminary enquiries were considered to be necessary before the stage of agreements could be reached and partly because the progress of the last Conference was much impeded by the general elections and our failure to come to any understanding on the communal issue. Still, it was hoped that an agreement on the outstanding questions, including safeguards relating to Finance, the Army etc., would be sought and arrived at after the conclusion of the work of the Committees that visited India by a pursuit of the methods hitherto followed.

The New procedure dispenses with the meeting of the Federal Structure Committee in the Round Table Conference, alters the character and scope of the Consultative Committee and provides for a Conference before the introduction of a Bill between the members of the Joint Select Committee of the Houses of Parliament and select Indians who may be asked to go to England. I shall assume that the position of the Indian who will, thus, go to confer with the Joint Select Committee will not be that of witnesses, as it was at the time of Mr. Montagu's Bill in 1919. Nevertheless, if seems we Indians cannot be members of the Joint Select Committee, who cannot share their responsibility to Parliament with any outsiders. Further, I would respectfully submit that collaboration with the Joint Select Committee is very different in essence from the procedure of the Round Table Conference, according to which agreements had to be reached and proposals laid before Parliament on the basis of those agreements. That essential feature of the Round Table Conference commended itself to Indian opinion as against the procedure of the

Joint Select Committee foreshadowed at the time of the Royal Commission, presided over by Sir John Simon.

I submit if there is to be a federation on an All-India basis, it must be the result of a tri-partite agreement between His Majesty's Government, British India and Indian States which ultimately must receive the sanction of Parliament. I venture to think that no room is left under the new procedure for any such agreements being arrived at before the Joint Select Committee.

The Consultative Committee was to be the Working Committee of the Round Table Conference. I shall in this connection refer Your Excellency to the speech of the Prime Minister which he delivered on the last day's sitting of the second Conference. Further, the Prime Minister said, announcing the formation of the Consultative Committee, that in the end we shall have to meet again for a final review of the whole scheme. This idea was further emphasised by him when in answer to a question put by Major Attlee, he said obviously the Round Table Conference will remain and in the end we shall have to meet again for a final review. Similarly, the continuance of the Round Table Conference in some form or other for a final review of the whole scheme was affirmed by Lord Lothian in the House of Lords on the 9th December.

If the Round Table Conference is considered too unwieldy a body, it is open to His Majesty's Government to call a smaller Conference on the same basis. Much success of the Federal Structure Committee was achieved during two years. Its work was due to the wise guidance of Lord Sankey to whose great work I desire respectfully to pay a tribute. I have no doubt, if the Federal Structure Committee could be called to meet again under his Chairmanship, both he and the Committee would be able to show good results, this year, more particularly because one of the impediments, which retarded progress last year, namely, the absence of a communal settlement, would, I understand, be removed by that time. Apart from representatives of Indian States, only 13 or 14 representatives from British India would have to go and I venture to think it would not be large than that of Indians, who might be sent to confer with the Joint Select Committee, but, even assuming that, after the conclusion of the work of the Consultative Committee in India, further meetings of the Federal Structure Committee in London could be considered superfluous, I submit that no valid reasons have been given for dispensing with the meeting of the Round Table Conference on even a small scale.

I cannot but deeply regret that His Majesty's Government could not have attached sufficient importance to the reaction which this variation is bound to have on the Indian mind. With every desire to promote the speedy establishment of the new constitution, I cannot see how the new procedure will tend any economy of time, if a certain number of Indians must needs go to confer with the Joint Select Committee and if also the possibility of calling a formal body is not excluded in the event of the Consultative Committee proving that the matter is not ripe for formulating definite proposals for the consideration of the Joint Select Committee.

I am, therefore, compelled to draw the inference that the method of work, prescribed for the Round Table Conference, which aimed at securing agreements between representatives of India and His Majesty's Government, has been definitely abandoned in favour of a new procedure which aims at mere collaboration. The distinction between the two methods, if I may remind Your Excellency, was pointed out by the Prime Minister himself in his speech in the House of Commons, which I have referred to above, "When", said the Prime Minister, "the Simon Commission was set up with the intention that the Government, when it received its report, was to proceed to draft the constitution upon that report and bring it before this House and send it to a Joint Committee of both Houses, and when that Joint Committee has examined the details of the constitution as drafted, the Indians should be invited to come over here practically in the position of witnesses. They would not be co-operators in consultation. They could express their views as a witness expresses his view, but that would be roughly the position they would hold."

I respectfully submit that the position deprecated by the Prime Minister in the sentences quoted above and the position created now do not seem to me to be essentially different. In any case, I think it is far better that there may be some delay, though I cannot see why should there be any, than that there should be room given for the impression that there is a departure from the undertaking, support for which the Prime Minister asked for and got by a vote in Parliament,

As regards the announcement of His Majesty's Government to definitely decide to give effect to their policy by means of a single Bill which will provide alike autonomous constitution of the provinces and Federation of Provinces and States, I notice from the official announcement from Simla of July 2nd, 1932, that the words used by the Secretary of State which seemed to me to give rise to the impression that option was given to Provinces to federate or not to federate, was intended to apply only to States and not Provinces. Nevertheless, it seems to me that the whole trend of the statement of the Secretary of State has been denied by introducing Provincial Autonomy first, leaving Federation to follow when the States concerned express their readiness actually to federate and when the proposals to be laid before Parliament are complete in all essentials. This seems to be to involve the actual materialisation of Federation in uncertainty so far as time is concerned. I do not and cannot rejoice at Provinces having autonomous constitutions with uncertainty attaching to the centre. I do not claim that my views are necessarily sound, but I have maintained them very earnestly and expressed them publicly since 1932 and I believe mere Provincial Autonomy itself, unaccompanied by simultaneous or nearly simultaneous changes at the Centre will make no appeal to the vast majority of politically minded people in this country and, in my humble judgment, will retard the progress and unification of the country and prevent Indians from settling down to constructive work. I am fully aware these views are not held with favour in certain quarters, but I would be untrue to my conviction if I were to withhold them from Your Excellency or from the Government.

Much as I would like the Consultative Committee to succeed in its work, I do not think it can be a substitute for the Federal Structure Committee or the Round Table Conference. In the absence of any representatives of His Majesty's Government or British Parties it is obvious that no agreements can be arrived at by that Committee and even though some sort of contact may be established between this Committee and Princes, agreements between British India and Princes would be inconclusive in the absence of representatives of His Majesty's Government and British Parties.

For all these reasons, after prolonged consideration of all the issues involved, I have come to the conclusion that the variation effected in procedure is not one merely of form but of substance. My faith in the method hitherto pursued continues unaffected, but I have no such faith in the new procedure and I therefore feel I cannot any longer usefully serve on the Consultative Committee which has ceased to be the Working Committee of the Round Table Conference, and is now an independent body whose work can no longer come up for final review before the Round Table Conference. I therefore feel it my duty to place my resignation from the Consultative Committee in Your Excellency's hands.

## THE R. T. C. DELEGATES' BOMBAY MEETING

A meeting of the Round Table Conference delegates was held at Bombay on the 10th. July. The following statement adopted by the meeting was issued to the press:—

'The under-mentioned members of the Round Table Conference, having considered with care the announcement made by the Secretary of State in the House of Commons on June 27 and all the statements since made in explanation thereof, including Sir Samuel Hoare's statement on July 7, are constrained to come to the conclusion that the new procedure is entirely different, in substance and spirit, from the Conference method as expounded by Lord Irwin in October, 1929 and July, 1930 and by the Premier in December, 1931. They consider that the new procedure is symptomatic of a new policy and cannot produce, in that event, a constitution at all so satisfactory as that which the Conference method was designed to produce. The result is bound to be a great aggravation of the evils of the present situation. It is the considered and emphatic conclusion of the signatories that the maintenance of the Conference method is, as it was, an essential condition of their co-operation and support.'

The signatories were Sir Chimanlal Setalvad, Mr. Srinivasa Sastri, Mr. Jayakar, Mr. Chintamani, Mr. Rama Chandra Rao, Sir Cowasjee Jehangir (junior), Mr. Rangaswami Iyengar, Mr. N. M. Joshi, Mr. Shiva Rao, Mr. Jadhav, Sir Phiroze Sethna, Mr. S. B. Tambe and Sir T. B. Sapru.

The meeting also authorised the chairman to convey to Sir T. B. Sapru and Mr. Jayakar their full approval of their action in resigning the membership of the Consultative Committee.

## THE NATIONAL LIBERAL FEDERATION'S STATEMENT

The Council of the All-India National Liberal Federation which met at Ready-money Mansion, Bombay, on the 10th. July, under the Presidency of Mr. C. Y. Chintamani, endorsed the decision of the Round Table Conference delegates after two hours' deliberations. About thirty members were present. The following resolution was unanimously adopted :

'Having given careful consideration to the Secretary of State's announcement of June 27 as well as the subsequent explanation thereof, the Council of the National Liberal Federation is convinced that the procedure is a grave departure from the policy of British and Indian cooperation on an equal footing in the working out of the future constitution of India on which plan and policy alone the Federation resolved to cooperate whole-heartedly with the work of the Conference.

'The Council protests emphatically against the abandonment of the Round Table Conference, contrary to pledges solemnly given on behalf of His Majesty's Government by Lord Irwin and the Premier and the substitution thereof of a method of action which cannot be expected to produce an agreed constitution.

'The Council, therefore, resolves to withhold co-operation in all further stages of the constitutional enquiry and make it a condition of renewed cooperation that the Round Table Conference method is fully restored.'

The Council also adopted a resolution demanding that provincial and central responsibility should be introduced simultaneously, as the existence of an interval between the two parts was attended with serious disadvantages and risks, as also resolutions strongly disapproving of the promulgation of the new Emergency Powers Ordinance and expressing opposition to the civil disobedience campaign.

## LIBERAL MANIFESTO & WITHDRAWAL FROM R. T. C.

On the 9th. August, the Servants of India Society, Poona, released for publication the following manifesto signed by a large number of prominent Indian politicians :—

'We consider the new procedure announced by the Secretary of State for India on June 27 so grave a departure from the Round Table Conference method as to be unacceptable. It does away with the ideas of equality during the discussion between the British and Indian delegates and that agreement between them was to be the basis of the proposals to be laid before Parliament. The Round Table Conference method was devised with the special object of serving these two ideas and its procedure could easily be adopted to ensure expedition. We cannot conceive how the R. T. C. method can be described as abrogating or bringing into question the ultimate supremacy of Parliament. In the circumstances we are clearly of the opinion that the best interests of the country require that those of our countrymen who may be invited to assist in the further stages of the constitution-making should withhold co-operation unless and until the former method is restored.'

The signatories to the manifesto included :—

(The Rt. Hon.) V. S. S. Sastri, (Sir) T. B. Sapru, (Raja Sir) Rampal Singh, (Sardar) Mehtab Singh, (Sir) Phiroz Sethna, N. M. Joshi, C. Y. Chintamani, B. S. Kamat, (G. K. Devadhar, Syed Ali Zaheer, Sachidanand Sinha, Amranath Agarwal, M. L. Puri, Badrul Islam Ali Khan, Harmandan Prasad, J. R. Yomab Behram, R. N. Basu, K. K. Sakat (Depressed Classes Leader), (Sir) Syed Ali Imam, (Rai) Rajeswar Bali, Sadiq Hassanulla, (Sir) Cowasjee Jehangir (Junior), (Dr.) Naidu (Mayor of Poona), N. C. Kelkar, M. R. Jayakar, H. N. Kunzru, A. P. Sen, O. N. Rajbajaj (Depressed Classes Leader), R. P. Masani, V. N. Chandavarkar (Mayor of Bombay), H. V. Pochkhanawalla, Abdul Qayum Malik, Shamsuddin Hassan (General Secretary, Central Labour Federation, Punjab), Syed Haider Mehdi, S. C. Chowdhari.

## THE U. P. LIBERAL ASSOCIATION

At a general meeting of the United Provinces Liberal Association, held at Allahabad on the 24th. August with Mr. C. Y. Chintamani in the chair, the communal award was considered and after a discussion of more than two hours and a half the following resolution was passed by a large majority :—

a. The United Provinces Liberal Association record their strong disapproval of the Government's decision embodied in what has been called the communal award inasmuch as it retains and extends the evil of separate, communal and class

electorates, provides separate representation to numerous sectional interests, is calculated to impede the growth of a common national feeling and to accentuate communal bitterness, is unfair to the Hindu minorities of the Punjab and Bengal who have been allotted seats which are substantially less than their proportion to the population entitles them, and gives to Europeans, particularly in Bengal and Assam, excessive representation at the expense of both Hindus and Muslims.

b. The Association reiterate their conviction that no system of responsible government which is not based on joint electorates can promote the spirit of co-operation among the various communities, thereby ensuring its successful working, and the development of public life on healthy, non-communal and non-sectional lines.

c. (i) The Association cannot approve of the arrangements for the representation of the so-called depressed classes, which amount to the creation of separate electorates for a section of the Hindu community.

(ii) The Association regard the criteria of untouchability laid down by the Franchise Committee as unjust to the United Provinces and would strongly protest against their further extension if such a step is contemplated. And they do not approve of the allotment of an excessive number of seats to them on this footing.

d. The Association take particular exception to the dragging of women into communal electorates in the face of their strong and almost unanimous opposition to such a course.

e. The Association are surprised in the so-called communal 'award' of decisions on the representation of interests as distinguished from communities, the more as it had been authoritatively stated that the recommendations of the Franchise Committee would be reviewed by the Consultative Committee and the Round Table Conference before decisions were taken thereon.

f. The Association view with dismay the prospect of the establishment of second chambers in at least some provinces as indicated in the communal 'award' as in their judgment such chambers are not only utterly unnecessary but will substantially detract from the value of the provincial autonomy that has been promised.

g. The Association must state that the communal 'award' is of such a nature as to render very difficult the realisation of the Prime Minister's belief 'that in the end considerations of Indian needs will prevail and all communities will see that their duty is to cooperate in working the new constitution, and they regret that the prospect opened out by the 'award' is anything but hope-inspiring.

A. Notwithstanding the unsatisfactory nature of the 'award' the Liberal Association earnestly appeal to all the communities not to relax their great effort to win freedom for the motherland by securing Dominion Status.

## THE MADRAS LIBERAL LEAGUE'S RESOLUTION

A general meeting of the Madras Liberal League was held at Madras on the 26th. August with Sir P. S. Sivasami Aiyar in the chair, to consider the Communal Award. The following resolution was unanimously passed :—

'While recognising that the decision of the communal problem by His Majesty's Government was the result of the continued failure of the communities concerned to reach an agreement and the desire of the Government to remove the obstacle created by the communal impasse to the framing of the new constitution and recognising also that under these circumstances it is not open to the people to repudiate the settlement by the Government or refuse to take part in the further steps necessary for the enactment of a satisfactory constitution, the Madras Liberal League considers that it would be wanting in its duty to the Government and the people, if it failed to point out the fundamental defects of the scheme which have given rise to intense dissatisfaction and strong resentment among the general population of India.

The Madras Liberal League is constrained to express its emphatic disapproval of the following among other objectionable features of the Communal Award :—

(1) The one-sided manner in which the Lucknow Pact has been set aside and departed from to the serious prejudice of the Hindu community, treating the problem as affecting two provinces only, instead of all provinces ;

- (2) the want of any uniformity or consistency in the granting of weightage to minorities ;
- (3) the excessive representation accorded to the European community in Bengal,
- (4) the inadequate representation accorded to Hindus in the Punjab and Bengal ;
- (5) the practical guarantees of a statutory majority to the majority community in the Punjab ;
- (6) the provision of separate communal electorates for Hindu and Mahomedan women in opposition to their unanimously expressed views ;
- (7) the failure to provide any inducement to the communities which have been unduly favoured to give up the principle of separate electorates and draw more closely towards the other communities.

## THE W. I. NATIONAL LIBERAL ASSOCIATION

The council of the Western India National Liberal Association, at a meeting held at Bombay on the 10th. September, adopted the following resolutions :—

(1) The council, while welcoming the decision of His Majesty's Government to abandon the procedure announced by the Secretary of State in his statement of June 27, are of opinion that the new scheme of procedure announced by His Excellency the Viceroy will be acceptable provided the vagueness and doubt regarding the following points were satisfactorily cleared up so that the conference method may be fully restored :—

(a) In framing the agenda for the conference it should not be open to the Government to exclude any questions which the Indian delegates may consider relevant for the purpose of framing the new constitution. It should be perfectly open to the Indian delegates to require that any such question should be included in the agenda and discussed.

(b) Although the press may not be asked to be present during the deliberations of the conference, steps should be taken for keeping the public informed about the course of discussions and the conclusions arrived at from time to time.

(c) While the advice and opinion of experts and businessmen may be invited on financial and other safeguards, these must finally be discussed and decided by the conference.

(d) The hiatus between the establishment of provincial autonomy and responsibility at the federal centre should be as short as possible, not exceeding a few months. In no event should responsibility at the centre be put off because of difficulties attending the creation of the federation.

(2) The council trusts that the British delegation will include representatives of all parties in Parliament.

(3) The council further urge that in order to evolve a constitution giving real self-government to India and to make the working of it a success, it is essential that measures should be immediately taken to restore a calm and helpful atmosphere of goodwill and to secure the association of all parties in the task of constitution-making, and for that end the council appeal both to the Government and the Congress, respectively, to abandon repressive measures and civil disobedience simultaneously.

## THE NATIONAL LIBERAL FEDERATION OF INDIA

The following is the text of the resolutions relating to the constitutional procedure, Ordinance Bill, and the Ottawa agreement, passed by the Council of the National Liberal Federation held under the chairmanship of Mr. C. Y. Chintamani at Bombay on the 24th September :—

(1) 'While the Council of the National Liberal Federation welcome the revision of procedure in connection with the constitutional inquiry which was announced by His Excellency the Viceroy on Sept. 5, they are of opinion that in order to enable the members of the party to co-operate in the work of the next Conference, it should be made clear without delay and beyond the possibility of doubt by the issue of an authoritative statement that discussion will not be limited to any agenda that may be fixed by His Majesty's Government and that it will be within the competence of members to raise any issue and make any proposal relevant to the future constitution including more particularly the subject of Defence and Indianisation of the Army and of a responsible central government for British India in



case it appears likely that all-India federation does not materialise or may be unduly delayed and that no issue will be treated as a closed question as none has been decided by the last two sessions of the Round Table Conference.

(2) 'In the opinion of the Council the British delegation to the Conference should include as before representatives of all three parties and not only of His Majesty's Government.

(3) 'The Council are of opinion that a report of the proceedings should be published from time to time for general information.

(4) 'As the adequate representation of progressive Indian opinion derives added importance from the severe limitation of numbers, the Council emphasize the necessity of a most careful selection of the personnel of the Conference so as to secure a strong leaven of nationalist opinion.

(5) 'For ensuring the smooth and successful working of the new constitution, the Council are convinced that it is essential that the Congress should be represented at the Conference, and they appeal both to Government and the Congress to render this possible.'

'The Council of the National Liberal Federation of India utterly disapprove of the Bill to embody in the permanent law of the land many of the very drastic provisions curtailing the liberty of person, of association and of the Press and greatly enlarging the powers of the Executive, and earnestly hope that it will not receive the sanction of the Legislature.

'The Council of the National Liberal Federation of India are strongly of opinion that the Ottawa Trade Agreement should not be ratified by the present Government and Legislature and the question should be left over for consideration by the Government and Legislature which will come into being under the new constitution.'

## THE UNITED PROVINCES LIBERAL ASSOCIATION

At a meeting of the United Provinces Liberal Association, held at Allahabad on the 1st. November, with Mr. C. Y. Chintamani in the chair, the following resolutions were passed unanimously :—

(1) The United Provinces Liberal Association are strongly opposed to the establishment of a second chamber of the provincial legislature as being both unnecessary and harmful.

The provincial legislature will be seized of only subjects of domestic concern as distinguished from the central which will be concerned with matters of high finance, national defence and foreign policy and, therefore, a second chamber is not wanted.

The second chamber representative of only the upper classes possessing vested interests, will hamper progressive agrarian legislation devised to benefit the tenantry and will thereby increase popular discontent and may strengthen the forces of direct action by making people hopeless of the success of constitutional efforts.

There is the less need and justification for a second chamber of a legislature which instead of being constituted on a democratic territorial basis, will consist of representatives of various special and separate electorates belonging to different classes, communities and interests.

The Association deem it their duty to emphasise that the promised 'provincial autonomy' will lose very much of its value and efficiency with a popular house of the legislature representative of an electorate broken up into many sections, an upper house for the special benefit of the privileged classes, and reserved powers—legislative and financial, ordinary and extraordinary—in the hands of the Governor. If the object of the coming reforms is political appeasement it will not be achieved by such reactionary provisions in the constitution.

(2) The United Provinces Liberal Association strongly disapprove of the Ordinances Bills, all India and provincial, introduced in the Assembly and to be introduced in the provincial council. In the opinion of this Association there is no justification for such extraordinary legislation, so retrograde and so drastic, which places the liberty of person, of the press and of association virtually at the mercy of the executive, besides glaring obstacles in the way of legitimate efforts to strengthen the position of Swadeshi industries. The bills, if passed into law, will in effect mean a continuation of the Ordinance regime of the past ten months, which has greatly strained the relations between the Government and the people, and can only result in increased discontent.

**INDIA IN PARLIAMENT  
AND ABROAD**

**JULY—DECEMBER 1932**



# INDIA IN PARLIAMENT

## SIR SAMUEL HOARE'S EXPLANATION

HOUSE OF COMMONS—13th. JULY 1932

The Indian situation was raised in the House of Commons before its adjournment on the 13th. July, *Sir Samuel Hoare* pointed out that two overriding factors were the necessity to speed up the constitutional situation and that, in the ultimate resort, Parliament must decide on the Government proposals. He added that the Government was very anxious to have the continued co-operation of Indians on the Consultative Committee. There would be consultation between individual Indians during summer and autumn and he would be glad to hear suggestions which would improve on his recent proposals to speed up the procedure.

Sir S. Hoare's statement in the Commons was in reply to the Labourite, *Mr Morgan Jones*, who declared that there had been the gravest departure from the Round Table Conference method of discussing and settling the Indian problem. He said if the problem of financial safeguards was going to be relegated to a discussion between the Secretary of State and a few individuals, however exalted, there was a very substantial departure from the Round Table method. He asked whether every phase of Indian opinion would have access to the Joint Select Committee. Otherwise he declared there would be a substantial departure from the Round Table method. He concluded that the Labour Opposition held themselves entirely free to determine their line of conduct in regard to any future proposals as long as the Government abandoned the Round Table method.

*Sir S. Hoare* replied: "I am afraid that questions of procedure very often lead to a misunderstanding even among ourselves. I hope to be able to show, during the few minutes I am speaking, that there are misunderstandings between the front bench opposite and this bench here. If that is the case between colleagues in this House, it is obviously much easier to happen between Indians in India and British representatives here. If across this floor there can be misunderstanding, how much easier it is to have misunderstanding over a distance of six thousand miles. I hope to show in the course of my remarks that a good deal of the trouble in my view is due to a series of misunderstandings.

First, let us face the actual facts of the situation. *Mr. Morgan Jones* is quite right in saying that certain distinguished Indian public men are gravely anxious as to the programme announced in the House ten days ago. Three of them, *Sir Tej Bahadur Sapru*, *Mr. Jayakar* and *Mr. Joshi* have resigned from the Consultative Committee. They and 10 others who met in Bombay on Sunday have sent me and the Prime Minister a protest against our programme of procedure. At the same time the House should know that I have had other communications from India, also from very representative Indian public men, representing more than one great interest in India, strongly approving of the procedure I described ten days ago. I say that this afternoon not in any way to underrate the disappointment I feel owing to the action taken by *Sir T. B. Sapru* and his colleagues but to show that, on this question, there is a substantial body of opinion in India strongly behind the Government programme of procedure.

I would be the last person to underrate the loss we would feel if *Sir Tej Bahadur Sapru* and his colleagues are unable to co-operate with us in the latter stages of the Constitutional programme. I had the pleasure of serving with these gentlemen last autumn and the preceding autumn and I can testify to the great value of their political experience, ability and knowledge of constitutional questions, which has been acknowledged by every member of the Round Table Conference. I should be very sorry if the period of co-operation between them and us is brought to a termination. I should be particularly sorry if it is brought to an end as a result of misunderstanding that might be cleared up.

We have not had too easy a time either here or in India since last December. Those of us ready to proceed with the constitutional programme had our steps compromised at every turn by complications brought to the scene by the campaign of non-co-operation launched by the Congress at the end of the year. At every turn,

the renewal of Congress non-co-operation campaign made our way more difficult here. I am sure it made the way of Indian Liberals much more difficult in India. I venture to say that this afternoon and show how very difficult the course of events has been both for them and us during the last six months.

Let us look at the position as it is to-day. For years past we have had a series of inquiries of every kind into almost every important feature of Indian life. I have satisfied myself that this continuous series of inquiries, necessary as I admit it was, has none the less been one of the most disturbing factors of Indian political life. No one has known what is going to happen.

Officials of the Indian Government were left in uncertainty as to the ultimate policy of His Majesty's Government.

Indians, whether members of the Congress, whether Indian Liberals, whether member of this or that community, had never known week after week and month after month what was going to happen. That had a most unfortunate effect not only on the political situation, but also on the economic situation in India as a whole. Business men have been left in doubt as to the future. Everyone in this House will admit how disastrous from the business point of view is such a long period of long drawn-out uncertainties.

In view of this situation, which will be admitted, I think, by every member of the House, I have had representation after representation from Indians to bring to an end the period of suspense. They said to me by word of mouth and in letter after letter: "Do let us know where we are, do let the British Government produce its proposals and bring to an end this long drawn-out period of uncertainty." In view of these representations it seemed to the Government that it was absolutely necessary to speed up procedure if we were going to restore in India some measure of confidence about the future. Further, it seemed to us quite essential that we should speed up procedure if we were going to advance by one Bill, rather than by two Bills. If we adopted the alternative which many members on these benches desired that we should proceed in two stages, that we should have Provincial Autonomy Bill first and Federal Bill subsequently, we might then have introduced Provincial Autonomy and might then have had a whole series of formal discussions going on at the centre. There therefore would not have been anything like the same objection against the number of big formal ceremonial meetings going on in London. But, as I said in the House the other day, it was clear to me that it was the general desire of most politically-minded Indians that we should proceed in one Bill. Particularly it was the desire of those distinguished Indians who have now dissociated themselves from our programme; particularly it was men like Sir Tej Bahadur Sapru and Mr. M. R. Jayakar who were most insistent on procedure in one Bill.

It was quite impossible within any reasonable time to proceed in one Bill if once again we were going to have these big meetings during the autumn and winter months. It was not that Government had any ulterior motive. Nothing of the kind. It was simply that we came definitely to the view that if we were to proceed in one Bill we must speed up procedure on some such lines as I proposed ten days ago. Accordingly, we have attempted to adapt procedure to two overriding factors. There are two factors that override all this constitutional development. The first factor I have just described is that of the necessity of speed. Secondly, there is the factor that, in the ultimate resort, it is Parliament that must take the final decision of any Government proposals. That factor has been made clear from the beginning of discussion at the Round Table Conference. It has been made clear from time to time by Lord Irwin, then Viceroy, and subsequently in the interchange of correspondence between Mr. Baldwin, then leader of the Opposition and the Prime Minister.

Somehow or other, we have to adapt procedure so that, on the one hand, we have speed, and, on the other hand, we have the ultimate control of Parliament and that, within those factors, by every means in our power, we should maintain Indian co-operation which has been of so great advantage.

Let me describe to the House how we are attempting to reconcile these somewhat divergent conditions in describing the various steps we propose to take. I shall be answering all questions put by Mr. Morgan Jones.

Let me deal with the criticism not made by Mr. Morgan Jones but by some of our friends in India, namely, that we have broken the pledges which we gave in the White Paper. That is not the case in any way. The Prime Minister, in his statement, was very careful, and wisely so, to leave open the exact methods of fu-

ture co-operation. He was wise for this reason that nobody could foresee exactly what was going to happen in the months before us and indeed since December.

Two very new factors have emerged in the constitutional picture. In the first place, in December we had hoped that it would not be necessary for the Government to give any communal decision. Since then, owing to the failure of the communities to agree amongst themselves, we have had to undertake to give a decision and, let me repeat, lest there should be any misunderstanding, that we intend to make it during this summer. Secondly, we had hoped in December still to retain the co-operation of Mr. Gandhi and his colleagues.

Unfortunately, these new features developed in the picture and it shows, if any proof is needed, how very wise the Prime Minister was to give a pledge in general rather than specific terms. In any case, what matters in the pledge of that kind is the spirit in which it is carried out and the spirit in which we hope to carry it out is genuinely the spirit of co-operation.

I know that many prominent Indians regard me as a particularly reactionary, firestorm and Conservative Secretary of State, unsympathetic towards all their aspirations, and hostile to all their programme. I am sorry that is the picture, which I dare say they have drawn of me, but I do not myself think it to be a true one. In any case, let me suggest to my Indian friends the kind of way in which we still hope to get their co-operation.

First of all, we are very anxious to have their continued co-operation on the Consultative Committee. We had hoped, when the Consultative Committee was formed at the beginning of the year, that it would be possible to make it a microcosm of the whole Conference. We made it as representative as we ever could of the whole Round Table Conference. We gave an undertaking that reports of the various Committees which went to India should be put before them. It was clear to us that if the Consultative Committee would help us with co-operation over this very wide field, not only would it be giving us very valuable help, but it would be enabling us here very much to speed up the programme and introduce the Constitution Bill at a much earlier date. I still hope that, with Indian co-operation, the Consultative Committee may greatly help over this very wide field covered by its agenda.

Mr. Morgan Jones has asked what is meant by the phrase used in connection with the meeting of the Consultative Committee. The phrase was that, on the assumption that the communal decision was given, the Consultative Committee would then meet. I am not giving the exact words but that is the substance. That phrase "assuming that the obstacles were removed" was inserted in our statement for this reason.

That meant that Moslem delegates on the Consultative Committee had refused to continue the discussion until the communal question was decided and until they saw whether Moslem claims had been met. It was, therefore, necessary to put in a phrase of that kind. It means nothing more than that. It means that, assuming that the obstacles which impeded consultation with Moslem delegates are removed, the Consultative Committee will meet. I hope that Consultative Committee will meet and that we will have the co-operation of distinguished Indians.

Next, there were to be consultations between individual Indians during the Summer and Autumn months. Mr. Morgan Jones said that these Indians would not be representative in character. I am afraid they will not be representative in character and more than members of the Round Table Conference were representative in character. We have been dealing all along with prominent individuals. We will deal with prominent individuals again. Our reason for proposing that these discussions should take place with a few individuals is simply this. Mr. Morgan Jones quoted the case of financial safeguards. It was that made us suggest this procedure. Many Indians last year took the view that the discussions of financial safeguards in the nature of things would take place much better informally and confidentially between individuals, as financial and commercial safeguards are mainly question for trader, businessmen and financiers. It seemed to us that by this means we might be better able to bring individual Indians into direct touch with the people, who, in many cases, really matter much more than politicians. There is no more than that in our minds.

Let me pass to the next stage, the Joint Select Committee stage. Our procedure there is an unprecedented procedure. We are anxious to bring Indians into consultation and co-operation with the Joint Select Committee before this House takes any final decisions and it is our firm intention to make that Indian co-operation

and consultation as effective as ever we can during the stage of Joint Committee. We believe that the Joint Select Committee will really be carrying on the spirit of the Round Table Conference, that it will be the spirit of the procedure of the Round Table Conference applied to the particular conditions at the time. Moreover, at the Joint Select Committee, Indians will have the great advantage they never would have had at the Round Table Conference of seeing specific proposals of the Government. The specific proposals of the Government will be put before representatives of this House and the House of Lords and before the representatives of India and a discussion of that kind will be far more profitable than necessarily indefinite discussions of a large body like the Round Table Conference where obviously Government is not in a position to put its concrete proposals before the Conference. For overriding reason the only body before which Government can put its specific proposals is Parliament itself.

I hope I have said enough to show that it is our most sincere desire at every stage I have enumerated to retain Indian co-operation. I hope I have said enough to show that the only reason for changing the programme is our desire to speed up procedure. I have heard no suggestion from any quarter as to any better means than those Government has suggested, the conditions being the need for speed, the need for co-operation between British and Indian representatives and lastly, the overriding need that the ultimate court to which the specific proposals must be referred is the High Court of Parliament. I shall be glad to hear from British or Indian quarters any suggestions for fulfilling those conditions and carrying out our programme more effectively, more expeditiously and more sympathetically than the proposals I made ten days ago."

*Miss Rathbone* (Independent) asked if Sir Samuel Hoare proposed to fill gaps in the Consultative Committee caused by the resignation of three Indian liberals by appointing any other representatives to the same body from moderate and nationalist opinion and, secondly, did he still mean to keep open the possibility foreshadowed in his speech on June 27 in which he said that it might be that the course of discussions at the Consultative Committee might prove that matters would not be ripe for formulation of definite proposals for consideration of the Joint Select Committee without further consultation of a more formal character and then went on to foreshadow the calling of a more formal committee in London. Does Sir S. Hoare still hold open that possibility?

*Sir Samuel Hoare* replied: The statement is exactly as I made it ten days ago. As to honourable lady's first question, I cannot answer it to-day.

## INDIAN DEBATE IN COMMONS

HOUSE OF COMMONS—22nd. DECEMBER 1932

*Mr. Morgan Jones* initiated the Indian debate on the motion for adjournment in the House of Commons to-day.

*Mr. Jones* referred to disclosures made by the Whitley Report on the economic condition and requested an assurance that the Government was not overlooking its responsibilities. The Labour Party had repeatedly raised the subject of the Ordinances. Good Government was no adequate substitute for Self-Government. He appealed in all sincerity to Sir Samuel Hoare to examine the question of the revision of the Ordinances in the light of the sentiment of Christians. It was possible for the Government to say, we are willing to forgive if the Congress will give a formal expression of their wish to withdraw from civil disobedience and abandon the civil disobedience movement." The Government claimed that they had largely crushed the effectiveness of civil disobedience and the Government could afford to do a generous big thing.

*Mr. Morgan Jones* appealed to the Government as an act of grace to make a generous gesture, to bury the hatchet, to let bygones be bygones and invite people to co-operate with the Government in the severe and heavy tasks imposed on them. He requested the re-endorsement of the Government's declarations and also a plain statement on the positions of the Round Table Conference.

*Mr. Jones* asked Sir S. Hoare not to allow the Conference to end without some definite issues being finally recorded. He asked for an assurance that the Government had not departed in the slightest degree from the pledge given by the Duke of Connaught on behalf of the King in 1921.

*Sir S. Hoare* agreed to every word of *Mr. Jones'* complaint of disgraceful Labour conditions in any parts of India. (*Mr. Morgan Jones* had said that the disclosures of the *Whitley Report* were such as to make all feel their cheeks blush with shame.) The difficulty was that the administration of Labour questions being a transferred subject, there was little or no direct control from London. They were fully alive to the need of great improvement in the Labour condition. All his influence was being exercised in the direction of helping the Central and Provincial Governments to raise their standard.

Evidence had convinced *Sir S. Hoare* that the India League Delegation only saw one side of the picture and were prejudiced against seeing the other side.

*Sir S. Hoare* said that the Congress, from the start, has stage-managed the picture which they wished the delegation to see.

*Sir S. Hoare* quoted from the Congress headquarters instructions as evidence of stage-management.

*Mr. Lansbury* interrupted, claiming that under the rules of the House, documents should be tabled.

*Sir S. Hoare* replied that the rule applied only to official documents. A long argument ensued.

The Speaker ruled that this was a matter for *Sir S. Hoare's* discretion.

Finally the dispute was settled by *Sir S. Hoare* offering to let *Mr. Lansbury* see the document.

The general situation was definitely better. There were two outward visible facts showing that the cause of goodwill was strengthening. One was the ratification of the Ottawa Agreement without any influence of pressure being brought to bear on the Assembly from London.

The fact that the Agreements had been ratified by a majority independently of the official vote was a most significant evidence of the goodwill between the Indian Legislature and Imperial Parliament.

The second example concerned the Emergency Ordinances, which he had always hated. No one wished the Ordinances to continue a day longer than necessary. They had decided months ago that it would be more satisfactory if responsibility for dealing with threats to law and order were imposed on the legislatures rather than on the Governor-General's Ordinances.

He welcomed legislation giving Central and Provincial Governments sufficient powers to deal with any recrudescence of trouble. This was a very satisfactory change in the situation, showing that there was a great body of public opinion behind the Government. It also showed that the Indian Legislatures were prepared to shoulder responsibility in dealing with the situation. He added, "the result is that, by the beginning of the new year we shall find ourselves in the position that we will require emergency ordinances no longer. The Legislatures have, of their own free will, given the Government necessary powers to deal with the situation. I am glad to announce that by the beginning of the new year, there will be no further emergency orders. This legislation has also been passed by ordinary methods without the need of the official vote."

[*Sir S. Hoare's* reference to the ordinances applied also to the Press Ordinances.]

*Sir S. Hoare* said that the personnel of the Round Table Conference only differed from the personnel of the last two Conferences by the fact that the Congress and Labour Party were not co-operating. Otherwise it was essentially the same, being representative of the biggest bodies of Indian opinion. He denied the charge of secrecy. The Conference had decided to abandon unrestricted publicity in favour of a restricted one, which was thought better. He thought on the whole it had given a very fair picture of the happenings at the Conference.

The Government were trying to get out of the Conference as much agreement as they could between Indian opinion and ourselves. He would be the last person in the world to be too optimistic particularly with regard to Conferences. However, they had a series of most useful and, on the whole, satisfactory discussions. The Round Table Conference took for the text the White Papers which had not been departed from Government attitude towards Provincial Autonomy and responsibility at the Centre was unchanged. The Round Table Conference had tried to fill many gaps left in the White Papers and carry out the implications of the general principles accepted by the great majority of the House.



The Conference would end as the previous Conferences, with a series of reports. If the Opposition would read the report they would agree that most useful work had been done, work which was quite inevitable in order to clear the ground for a meeting of the Joint Select Committee. They would also find that a great measure of agreement had been reached between not only the Government but the whole of the British delegation and a great body of Indian delegates assembled in London.

Let them wait, said Sir Samuel Hoare, till the Conference was over, which was probably a matter of a few days. The Opposition would then have an opportunity of studying the reports.

Replying to Mr. Morgan Jones's appeal, Sir S. Hoare said that the situation was definitely better than three months ago. They had evidences of goodwill which he had referred to, which had been rather rare in recent years, but which went to show that they were beginning a new chapter. There was the further fact that the legislatures had given the Governments power to deal with any dangerous situation. These were facts which the Government would certainly take into account and would use to the full in order to render it possible for everybody who was willing to take a share in moulding the new constitution and was willing to co-operate with them on general lines.

Two White Papers had already been published. Sir S. Hoare concluded, "We are following the situation very carefully. Well, I ask the House not to press me further."

Mr. Lansbury thanked Sir S. Hoare for courteously offering to show the Congress document, but thought there was some misunderstanding. When Sir S. Hoare spoke of goodwill he should bear in mind that any giving way should be done by the stronger side. Nearly a year had passed since Mr. Gandhi was imprisoned with others to get certain pledges, but the pledges extracted that way were not much use. He urged Sir S. Hoare between now and Sunday to consider whether it was not worth while to make a big gesture and set these men free in a spirit of goodwill.

The debate then ended.

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# THE OTTAWA AGREEMENT

## INDIAN DELEGATION'S REPORT

The Government of India released for publication on the 12th. October 1932 the Report of the India Delegation to the Imperial Economic Conference at Ottawa.

The Report consists of nearly 82 pages with schedules containing the list of articles with the rate of preference *ad valorem*, the statements made by the Indian Delegation at Ottawa and also a note by Sir George Schuster and Sir Henry Strakosch on monetary and financial questions. A list of articles has also been included in the report showing at what rate preference is to be given to each commodity.

The Report traces the history of the discussions on Imperial Preference in India and shows how till very lately India had consistently rejected all proposals for a policy of preference on the ground that India had nothing to gain by it.

The delegation holds that since those decisions had been taken, circumstances had entirely changed. Britain had decided on a policy of reciprocal preference within the Empire which, it says, India could not reject without imperilling the market for her products in the Empire.

The Report endeavours statistically to show that a policy of preferential tariffs will be in the best interests of India.

The following are extracts from the Report :

### NEW SITUATION IN INDIA

Chapter II of the report runs as follows :—

18. The Import Duties Act and the announcement of His Majesty's Government in the United Kingdom created an entirely new situation for India. It was no longer a question of what India stood to gain from the adoption of a general scheme of trade preferences throughout the Empire. The tariffs of the various Dominions already contained provisions for the grant of preferences in some cases to the manufactures of the United Kingdom, and in others to goods originating in any Empire country. The United Kingdom had now fully committed itself to the adoption of a reciprocal policy, and this example might be expected to be followed by similar action in important parts of the Colonial Empire and by the adoption of the principle of reciprocity by Dominions which had hitherto conceded unconditional preference. The issue so long debated whether there should be a general scheme of trade preference within the Empire was now settled and the question which those responsible for India's fiscal interests had to face was whether India was justified in maintaining her former attitude of aloofness, whether in fact she could afford to stand out of an agreement which seemed likely to include most, if not all, Empire countries other than herself. It was no longer a question of what India stood to gain but of what she stood to lose.

### INTERESTS OF INDIA'S EXPORT TRADE

19. The paramount consideration to be borne in mind was of course the interests of India's export trade. Generally speaking, India is an exporter of raw produce and an importer of manufactured goods, and the major portion of her exports may be classed as agricultural, the most important items being raw cotton, raw jute, rice and other food grains, oilseeds and tea. The exports of raw produce also include minerals such as manganese ore, and other articles such as timber and lac which are not the products of agriculture. Finally, India is an exporter of manufactured goods such as jute and cotton manufactures, and of what may be called semi-manufactures, a category which would include the vegetable oils, tanned hides and skins, pig-lead, pig-iron and semi-finished steel. Though for the present manufactured goods are of less prominence among Indian exports than the raw products, it must be expected that, with the growth of industries in India, the importance of the manufacturing side will tend to increase.

20. On both sides the position of India is vulnerable. It is true that in the production of raw jute she has no serious competition and possesses what is for practical purposes a monopoly, but the number of such commodities is very small,

and even where India is by far the largest supplier of a particular commodity—the United Kingdom, for example, takes more than 99 per cent of her imports of myrabolams from India—the trade in these commodities is exposed to the competition of other articles, natural or synthetic, which will serve the same purpose as India's natural products. Thus, for example, the tanner uses many other tanning materials besides myrabolams, or again, to take another example, India has no dangerous rival as an exporter of lac, but the competition between natural lac and synthetic substitutes is of the keenest and most formidable kind. Apart from the small class of commodities indicated above, India's exports of agricultural and other raw produce are in competition with similar articles produced in many other countries. India has no monopoly, and if she is to retain the trade she has already built up and to extend her trade in new directions in accordance with variations in world demand, she must see to it that outlets for her produce which have hitherto been open are not closed against her.

21. The United Kingdom is the largest single purchaser of Indian goods and the change of fiscal policy already described was, for India, a matter of first class importance. Up to 1931, on each occasion when the United Kingdom imposed preferential duties the benefit was extended freely to all parts of the Empire and nothing was asked in return. The new policy extended the preferential system to a far wider range of commodities, but on a reciprocal basis, and India could not with any reason expect that the United Kingdom would be willing to accord to her a one-sided preference, or treat her more liberally than she was prepared to treat the Dominions. Nor was it only the new preferences which were in question. The older Acts imposing the revenue duties, it is true, and the Finance Act of 1932 which reimposed the tea duty and restored the preference, contained no time limit such as was imposed by the Import Duties Act, but once the principle of reciprocity was accepted it would have been idle to hope that the two sets of duties would be kept permanently in water-tight compartments, the one set reciprocal and the other non-reciprocal. Sooner or later the principle of reciprocity would extend to the whole range of duties and it became a matter of urgency to review the position as a whole.

#### POSSIBLE RESULTS OF REFUSAL OF PREFERENCE

22. As soon as the facts were examined, it became evident that a system of preferences from which India was excluded, while other parts of the Empire were admitted, would be a serious matter for India. So far as the Dominions are concerned, direct competition is confined to food grains such as wheat and barley, to tobacco and hardwoods, and to mineral products such as lead and zinc. But with the Colonies the position is widely different. Direct competition extends to the whole range of tropical and semi-tropical products; in some commodities, such as tea and spices and the vegetable oils, their exports already rival or exceed those of India, and in many others, such as groundnuts and similar oilseeds, they constitute an alternative source of supply which in course of time would prove a real menace to India's trade with the United Kingdom. There is no reason to doubt that so long as the competition is on equal terms India can hold her own. But if the competition were intensified under the stimulus of a preference in which India had no share, India's trade must inevitably suffer.

23. The risk which India might incur by a refusal to negotiate was most obvious in the case of tea. The two great Empire producers are India and Ceylon, and both are exposed to competition from the Dutch East Indies, the extent and magnitude of which was not fully appreciated until the removal of the tea duty in the United Kingdom in 1929 brought to an end the preference which Empire tea had previously enjoyed. The duty was restored with an enhanced preference of 3d. a pound in April 1932, but had India been excluded, it is not too much to say that the consequences to the Indian tea industry must have been disastrous. The United Kingdom is by far the largest consumer of tea in the world, and more than half of its requirements are supplied by India, the value of the retained imports from India in 1929 amounting to more than £20 million. But if India had to face not only competition on equal terms from the Dutch East Indies, but also the competition of Ceylon with an advantage of 2d. a pound in the duty, the inevitable result must have been a steady decline in the Indian trade and a very grave curtailment of production on the tea-growing districts in India. Large numbers of labourers employed by the tea gardens would necessarily have been displaced, with much loss

sequent hardships and suffering, and in more than one Province the effect on the Provincial finances would have been grave.

24. The danger to be apprehended was most serious and most clearly evident in the case of tea, but it was far from being confined to that commodity. It extended also to the whole class of oilseeds, to vegetable oils of all kinds, to wheat, to spices of many descriptions, to coir and hemp, and to raw goat skins. In the sphere of manufactures the position was somewhat different. India's exports of manufactured goods to the United Kingdom are confined to a few categories, and direct competition from the Colonies was improbable except in respect of coir manufactures and possibly in the future of tanned hides and skins, while the Dominions were serious competitors only in respect of pig-lead. In two directions, <sup>need.</sup> In

Indian jute manufactures and on woollen carpets and rugs of the duties applicable to foreign goods of the same classes must have led to an appreciable replacement of Indian goods by goods made in the United Kingdom, while the imposition on Indian pig-iron and semi-finished steel of the duties levied under the Import Duties Act would have completely closed the British markets to these products. For the last four or five years India has supplied substantial quantities of pig-iron to the United Kingdom, and while the trade in semi finished steel is only in its initial stages, it holds out the promise of important developments in future. We shall recur to this subject in a later paragraph.

25. The other menace to India's export trade in manufactures appertained from a different quarter. The general adoption of a scheme of reciprocal tariff preferences could not but lead to the grant of preferences by many parts of the Colonial Empire to the manufactures of the United Kingdom. If India were excluded from these preferences, not only would there be some immediate loss of trade, but the developments, profitable to India, which might naturally be expected in the future, particularly in respect of cotton piecegoods, would be rendered impossible. It was a matter of moment to India to establish her position in the Colonial markets, and to secure equality of treatment for her products with the products of other parts of the Empire. We consider this aspect of the case to be of great importance when a long view is taken, and the probable trade developments of the coming years are taken into account.

26. So far we have discussed only the adverse effects on India's trade likely to result from the grant to other parts of the Empire of preferences from which India was excluded. But there is more than this to be said. In the announcement of the 4th February 1932 it was made clear that His Majesty's Government in the United Kingdom reserved to themselves liberty after Ottawa to enter upon negotiations with non-Empire countries for the conclusion of preferential trade agreements. It was a possibility, though perhaps no more than a possibility, that these agreements might operate to the detriment of India. This consideration was less weighty than those discussed in earlier paragraphs, but when all were taken together it became evident that if India declined to participate in the discussions at Ottawa then the consequence must be accepted that India's trade with the other parts of the Empire would for the future be carried on under much less favourable conditions than had hitherto prevailed.

#### LIMITS OF PREFERENCE.

27. The appointment of the Indian Delegation to Ottawa was the result of the Government of India's decision that in all the circumstances it was impossible for India to stand aloof and that the possibility of concluding a satisfactory trade agreement must be fully explored. The primary task of the Delegation was to examine with the utmost care the nature and extent of India's export trade to Empire countries, the competition to which it was exposed, the sources from which danger was to be apprehended, the value of the preferences which India already enjoyed, and the possibility of securing further advantages for India by the grant of new and increased preferences both in the United Kingdom and in the various parts of the Colonial Empire. Throughout, the object in view was to seek every opportunity of safeguarding India's existing export trade from dangers which might be apprehended, of stimulating its recovery from the prevailing depression and of opening out new lines of development to the utmost extent possible. That was one side of our work. The other commenced when the time came to discuss the proposals put forward by His Majesty's Government in the United Kingdom for

the grant of tariff preferences by India. It may be useful we think, if we endeavour to explain the spirit in which we approach this side of our work.

28. The Indian import tariff is primarily a revenue tariff which imposes a moderate uniform rate of duties on all commodities subject however first to the levy of a much higher duty on particular articles, second to exemption from duty or admission at low rates of other articles where the national interests require such concessions, and finally to the imposition of protective duties when it is established that the encouragement of these industries is justified in the national interest. The higher rates of duty call for no comment; the exemptions from duty and the low rates fall into one or the other of the following categories:

(1) Commodities of importance to the cultivator such as agricultural implements and manures; (2) particular medicines such as quinine the wide distribution of which is important from the point of view of health; (3) commodities a duty on which might operate as a tax on knowledge such as printing machinery and appliances; (4) Commodities a duty on which might retard a desirable development still in its infancy such as aircraft and radio appliances; (5) commodities a duty on which would impede the development of industries such as power machinery, raw materials and dyes; and (6) commodities a duty on which might appreciably increase the cost of railway transport such as locomotives and many other classes of railway material.

In each case the exceptional treatment of the articles concerned was based on broad grounds of national policy deliberately adopted which it was held must outweigh purely revenue considerations.

29. It appeared to us that the limits within which the grant of preferences might be considered were for the most part fixed by the principles of India's tariff policy outlined above. The classes of article subject to the ordinary rate of duty, or to higher rates, presented no special difficulties, but it was quite otherwise with the commodities on the Free List, and those subject to specially low rates. Here any material departure from the accepted policy could be justified, if at all, only on entirely exceptional grounds. Moreover, in some cases the articles which at present pay a low rate would normally be free of duty and have been taxed only on account of overriding financial exigencies. The protective duties also stood in a class apart. The instructions we received from the Government of India precluded the acceptance of any proposal which would have the effect of impairing the protection afforded to an India industry by an Act of the Indian legislature. Two of these Acts, it is true, provide for the imposition of lower rates of duty on cotton piece-goods and on certain classes of iron and steel made in the United Kingdom than on similar goods made elsewhere. But the duties on iron and steel were fixed after a full investigation by the Tariff Board and will come under review in the statutory enquiry of 1933 while the duties on cotton piece-goods had already been referred to the Board before our negotiations commenced. In both cases the lower rates of duty on British goods were adopted not in the interests of the United Kingdom but in the interests of India and in pursuance of the policy of Discriminating Protection. These rates of duty could not, we were satisfied, become the subject of bargaining between ourselves and the British Delegation and any modification in them must, we felt, be postponed until the Government of India had before them the considered recommendations of the Tariff Board.

30. The field within which the grant of preferences could be considered was therefore, we held, limited to the classes of commodities which are subject to the ordinary or to a higher rate with the addition, however, of those classes of iron and steel which being excluded from the protective scheme have continued to be dutiable under Part IV of Schedule of the Indian Tariff Act. Before the policy of Discriminating Protection was adopted, most classes of iron and steel were subject to duties somewhat below the ordinary rate. In 1924, however, all the more important classes became subject to protective duties, and since that date the special treatment of the residuum which remained in Part IV has ceased to be a matter of real importance. Within the field indicated, we felt that in considering the amount of any preference which could be granted due regard must be had to the importance of the Customs head as a source of Central Revenues and the desirability of keeping the ordinary rate of duty within moderate limits. A high rate of preference might necessitate the permanent retention of the duties at an undesirably high level if the necessary revenue was to be obtained.

31. In the foregoing paragraphs we have endeavoured to indicate the considerations by which we were guided throughout the negotiations. One final consideration of great importance remains to be mentioned. The scheme of constitutional reform which has been the subject of discussion between His Majesty's Government in the United Kingdom and the representatives of India contemplates the early establishment of a Federal Constitution for a Greater India, including not only British India but the Indian States. We were strongly of opinion that India ought not now, when the constitution is in the melting pot, to enter into any agreement which would limit the power of the new Government to shape its fiscal policy in accordance with its own conception of India's interests and of its place in the British Commonwealth of Nations. If therefore any Trade Agreement was to be acceptable to India it must be determinable at the instance of either party on due notice given.

### CHAPTER III—THE TRADE AGREEMENT

32. Our discussions with the British Delegation and their officials commenced in London in the latter part of May and continued until our departure for Ottawa on the 13th July and during the voyage. They were brought to a successful conclusion at Ottawa. It would serve no useful purpose to review the course of the negotiations, but we desire to take this opportunity of acknowledging the great courtesy and consideration which we received at all times from the members of the British Delegation and their Advisers. In our discussions with them we made no attempt to disguise the difficulties which had to be faced, but stated frankly the limitations on our freedom of action created by India's peculiar position and the fiscal policy which she had adopted. We were met by an equal frankness on their part, and we were deeply impressed by their readiness to appreciate India's point of view and their obvious desire to give the fullest consideration to the proposals we put forward on behalf of India. We shall always retain the happiest memories of the discussions in which we were privileged to participate.

33. The Agreement which was signed on the 20th August at Ottawa contains fourteen Articles, with eight attached Schedules and is annexed to this Report as Appendix E. Articles 1 to 8 and Schedules A to D contain the undertakings given on behalf of His Majesty's Government in the United Kingdom, and Articles 10 and 11 and Schedules F and G the undertakings given on behalf of the Government of India. Articles 9 and 12 with Schedules E and H contain the undertakings given and received by His Majesty's Government and the Government of India as regards trade between India and the Colonial Empire. Articles 13 and 14 are reciprocal and concern both Governments. It will be desirable, we think, that before we review the Agreement and its effect on Indian trade, we should state clearly what its provisions are. It will be convenient to take first the undertakings given by the United Kingdom.

34. Under various Acts of Parliament passed from time to time Indian goods of certain classes (such as tea, coffee and tobacco) are liable to duty on entry into the United Kingdom, and under the Import Duties Act all other classes of Indian goods—except those specified in Schedule 1 of that Act which are free of duty irrespective of their origin—become liable to duty on the 15th November 1932 unless before that date an Order in Council is made continuing the exemption from duty. The liability to duty of Indian goods under the earlier Acts is not affected by the Agreement, but Article 1 guarantees the continuance after the 15th November of free entry for Indian goods which would otherwise be liable to duty under the Import Duties Act. Article 4 guarantees the maintenance of the existing margin of preference now enjoyed by the Indian goods included in Schedule C over similar foreign goods, whether that margin owes its origin to the earlier Acts or to the Import Duties Act, while Articles 2 and 3 provide for the grant of new or increased preference in respect of the Indian goods included in Schedules A and B. Article 4 also provides that, if a greater preference is accorded to goods of the kinds specified in Schedule C originating in any other part of the Empire, such greater preference shall also be extended to India. The effect of these Articles taken together is as follows. In so far as the goods receiving preferential treatment are dutiable under the earlier Acts, it is only the margin of preference which is guaranteed, and His Majesty's Government in the United Kingdom retains complete liberty to modify the rates of duty, so long as the difference between the duty on Indian goods and

the duty on foreign goods is maintained, and so long as no other part of the Empire enjoys a larger preference than India. If, however, the goods are liable to duty under the Import Duties Act the position is different. So long as the Agreement remains in force the duties applicable to foreign goods of the classes specified in Schedule C cannot be reduced, for the effect would be to decrease the margin of preference accorded to Indian goods. It is, however, open to His Majesty's Government in the United Kingdom to reduce the duties on goods not included in either Schedule A or Schedule C. Finally, since Indian goods are guaranteed free entry any increase in the duties will, whether the goods are scheduled or not, automatically increase to the same extent the margin of preference actually enjoyed.

35. Articles 5 and 6 contain special provisions applicable to certain commodities. Article 5 makes it possible to remove the duties on wheat in grain or lead if the empire producers fail to supply either commodity in sufficient quantities at world prices. The Empire is a large exporter on balance of both commodities, and it would not be reasonable that Empire producers should take advantage of the preference to charge a higher price to consumers in the United Kingdom than they charge to consumers elsewhere. Article 6 relates to tobacco and is the only instance in the Agreement of a preference specifically settled for a long term of years. An identical Article appears in each of the Agreements between the United Kingdom and the other tobacco-producing countries of the Empire. The tariff preference on Empire tobacco was first accorded in 1919 and was increased to the present rate of 2s. 0½d. per lb. in July 1925. Under the Finance Act of 1926, the preference was stabilised at this rate for a period of ten years terminating on 31st. July 1936, and by Article 6 of the Agreement this period has been extended to 1942—ten years from the date of the Agreement; but in this case His Majesty's Government have reserved to themselves the liberty to reduce the duty below 2s. 0½d. a lb., in which case the preference would be the full amount of the duty. As the duty on foreign tobacco is at present 14s. a pound, a reduction to less than 2s. a pound does not at present appear probable.

36. Article 7 provides for exemption from duty under the Import Duties Act irrespective of origin of certain commodities in which India is interested and Article 8 contains a special provision relating to raw cotton. Both articles are discussed in subsequent paragraphs of this Report. It will be convenient also to defer to a later stage consideration of Articles 9 and 12, which contain the provisions for the exchange of tariff preferences between India and the Colonial Empire.

#### INDIA'S UNDERTAKINGS

37. Articles 10 and 11 contain the undertakings given on behalf of the Government of India. Article 10 provides for the grant of preference to United Kingdom goods of the kinds specified in Schedule F. The margin of preference is 7½ per cent in the case of motor vehicles and 10 per cent in the case of all other commodities specified in this Schedule. Article 11 provides that the Government of India will consider in the light of the findings of the Tariff Board the duties to be imposed on goods of cotton and artificial silk according as they are produced in the United Kingdom or elsewhere, and provides further for the grant of a 10 per cent preference on the goods of cotton, silk or artificial silk specified in Schedule G, if, when the recommendations of the Tariff Board have been considered, protective duties are not imposed upon them. It may be well to explain the reasons why we felt it impossible to include in Schedule F. the goods separately listed in Schedule G. In principle there is no objection to a preference on textile goods which are not subject to protective duties, but we felt it would not be right to commit the Government of India finally until the Report of the Tariff Board had been received and considered. To attempt to anticipate their findings as regards particular classes of goods made of cotton or artificial silk would clearly be wrong and although no question about the duties on silk goods has been referred to the Board, it was impossible to overlook the fact that the duties on silk and artificial silk were equalised only a year ago, and to alter the duties on silk goods while leaving those on artificial silk goods unchanged would lead to undesirable complications. It was for these reasons that the whole class of goods made from cotton, silk and artificial silk seemed to us to require separate treatment.

38. Both in Article 10 and Article 11 what is guaranteed is the margin of preference, and the Government of India retain complete liberty to give the preference

either by increasing the duty on foreign goods or by reducing the duty on United Kingdom goods or by a combination of both methods. In view of the importance of the Customs head as a source of Central Revenues, the financial embarrassment of the Government, and the extremely disturbed economic condition of the world generally, it was out of the question to agree to stabilisation of the duties at any particular level or to the admission of United Kingdom goods either free of duty or subject to a specific rate of duty, for the rates can only be fixed after due consideration has been given to the expenditure which the Government are likely to incur in any particular year, and the probable volume of imports, and as things stand to-day both factors are subject to wide fluctuations. The British Government also retain under the Agreement complete freedom as regards these older duties, which are already an integral part of their revenue system, and it is only in respect of the new duties under the Import Duties Act that free entry is guaranteed to Indian goods. No similar concession could be made by India, for the Customs Revenue is the mainstay of Central Finance, and there is nothing in the Indian system corresponding to the new British duties, which in fact have never been levied upon Empire produce. The revenue given up by the continuance of free entry, therefore, is revenue which has never been collected.

39. We would invite special attention to the prefatory Note to Schedule F. and to the notes placed against items 1 to 3, 59, 60, 74, 142 and 143 of the same Schedule. These notes exclude from the operation of the preference all goods which are at present free of duty, or dutiable under parts II, III and IV of Schedule II of the Indian Tariff Act at specially low rates, or dutiable under the entries applicable to cotton silk or artificial silk, or subject to protective duties under Part VII. It is in this way that we have been able to attain the object which from the outset we set before us, viz. that, if an Agreement was made, the preferences given should not involve a departure from the established principles of Indian Tariff policy. It may be well, however, if we explain in a little more detail how the Agreement affects the protected industries. The two principal protected industries are cotton and iron and steel. In both cases, so far as the commodities subject to protective duties are concerned, it will rest with the Government of India to decide, after the findings of the Tariff Board have been considered whether and if so to what extent the proposals placed before the Legislature should provide for lower duties on United Kingdom goods than on similar foreign goods. The decision will depend on the degree of protection required by the Indian industry in each case and the Agreement makes no stipulation on that.

40. Articles 1, 3, 6, 19 and 12, all provide that the preference shall extend to goods "which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of Custom Duties." This raises the question of Empire content which was discussed at Ottawa with the object of attaining greater uniformity (vide Chapter VII), but about which it was found impossible to reach agreement. In the United Kingdom the necessary laws and regulations have already been made, but in India the question is a new one, and it will be necessary to legislate on the subject. It is true that Notifications issued by the Government of India in the exercise of statutory powers define what are to be considered iron or steel goods or cotton cloth of British manufacture. But the condition imposed by these Notifications is not a percentage of Empire content, whether in respect of labour or material, but the carrying out of all processes of manufacture, after a certain stage has been reached, in the United Kingdom, and while a condition of this kind is perfectly suitable when the object in view is not to tax a commodity more highly than is required for the protection of a domestic industry, it is neither appropriate nor practicable when a wide range of commodities is in question, and when the difference in the rates of duty is the result of an exchange of preferences between two countries. It would obviously be impossible to fix for each of the 163 classes of commodities specified in Schedule F a stage of manufacture all processes subsequent to which must be carried out in the United Kingdom. It will be necessary, therefore, for the Government of India to make new regulations which should, we think, be based generally on the mode of those already adopted by the United Kingdom and the Dominions. In fixing the percentage to be required and in deciding whether the cost of labour and material incurred in any part of the Empire shall be taken into account, or only such costs as are incurred in these parts of the Empire with which India has entered into a Trade Agreement, the Government of India have an entirely free hand. This is a matter to which we shall recur in Chapter VII.



## RIGHT TO DENOUNCE AGREEMENT

41. To complete our examination of the Agreement it is necessary to refer briefly to Articles 13 and 14. Article 15 is undeniably important, but does not call for detailed comment at this stage. It reaffirms on behalf of His Majesty's Government their established policy of extending to India tariff preferences accorded to any Dominion and contains a reciprocal undertaking by India to act in the same way. Article 14 empowers either party to the Agreement to give six months' notice of its denunciation, and also provides that notices may be given by either party of changes drafted in the Agreement. In the latter case the proposed changes will become matters of mutual consultation, and if by the end of six months agreement is not reached, the party desiring the changes may give six months' notice of its intention to make them, and they will come into force at the end of that period. The importance of the latter provision on occasions when it is proposed to make new commodities subject to protective duties has already been noticed in paragraph 39, and it is clear that the Agreement cannot operate as a bar to India's industrial progress. The first part of the Article, on the other hand, leaves complete freedom to the new Government of Federal India to determine its fiscal policy according to its own judgment. As we have explained in paragraph 31, we regard this point as one of cardinal importance and we are glad that His Majesty's Government in the United Kingdom found it possible to meet us so completely.

## CHAPTER IV.—THE SCHEDULES TO THE TRADE AGREEMENT

42. In the last chapter we have described the Trade Agreement on its more technical side and explained the effect of its provisions. It remains that we should examine in more detail the classes of goods included in the various Schedules, and it will be convenient to begin with Schedules F and G, i.e. the preference given by India to the United Kingdom. Schedule F contains 163 separate items, and was framed on the basis of the classification in the Indian Trade Returns. It does not readily submit to summarisation, but the following Table (Table 1) classifies the various items under the main heads :—

TABLE 1.

Imports from the United Kingdom into India in 1929-30 of goods of the classes specified in Schedules F and G.

Schedule F.—	Value £000
Food and drink	1,298
Oils	229
Building and Engineering materials	461
Chemicals (unprotected)	936
Drugs and Medicines	583
Cutlery and Hardware	1,321
Instruments, apparatus and appliances	1,385
Iron and steel (unprotected)	1,761
Other metals	934
Paints and Painters' Materials	518
Paper and Stationery (unprotected)	713
Rubber Manufactures	834
Wool and Woollen Manufactures	945
Vehicles other than motor vehicles	763
Motor vehicle	1,087
Miscellaneous Manufactures	1,726
Machinery say Electric Wires and Cables	750
	<hr/> Total—16,354
Schedule G.—	
Apparel	422
Haberdashery and Millinery	19
Cotton goods in Schedule G	386
Silk and Artificial Silk	71
	<hr/> Total 1,070
	Total Schedule F 16,354
	Total Schedule G 1,070
	<hr/> Total 17,424

In this Table the values of the imports from the United Kingdom in 1929-30 have been given, that being the last year before the depression in trade became acute. The value of the imports falling under the general description, articles of food and drink, is £1.4 million, the principal items being ale and beer and canned and bottled provisions. Under the general heading, raw materials and articles mainly unmanufactured, oils of various kinds account for less than a quarter of a million pounds, and the whole of the balance, as was to be expected is included in the category of articles wholly or mainly manufactured. The total value in 1929-30 of goods imported from the United Kingdom of the classes specified in Schedule F is about £16.4 millions. A word of warning is necessary, however, as regards the figures. In the first place the acute economic depression now prevailing and the uncertainty of future developments make it extraordinarily difficult to determine what values may fairly be taken as normal and the actual values in 1931-32 were much smaller. In the second place the classification in the Trade Returns does not always coincide with the classification in the Tariff Schedule and, to take concrete examples, we have found it impossible to ascertain accurately the value of the machinery and electric wire and cables dutiable under Part V of the Tariff Schedule. In some cases, therefore, the figures are approximate. Moreover, the value of the preferences cannot be assessed merely by applying the percentage of  $7\frac{1}{2}$  to the recorded value of the imports of motor vehicles and of 10 to the remainder. This is so, not only because the regulations regarding Empire content might exclude from preference part of the imports, but mainly because the Trade Returns do not attempt to classify imports according to origin but only according to the country from which they were imported. In view of the large entrepot trade of the United Kingdom, the value of the imports from that source must ordinarily be greater than the value of the imports actually manufactured in the United Kingdom. We are satisfied that the figure of £16.4 millions—the total of Schedule F of Table I—is a maximum figure and that the value of the imports which would have enjoyed the benefit of preference in the year 1929-30, had the Agreement been then in force, would have been somewhat smaller. The value of the imports of the textile goods of the classes specified in Schedule G imported from the United Kingdom in 1929-30 was £1.1 million. This figure includes the whole value of the goods shown in the Trade Returns as apparel and haberdashery and millinery, which ought in fact to be divided between Schedule F and Schedule G according as the articles are dutiable as apparel or as silk and artificial silk. It is not possible, however, to make the apportionment, and the simplest course seems to be to treat the whole of the imports under these heads as falling under Schedule G. The total value of the imports from the United Kingdom in 1929-30 of goods of the kinds specified in Schedules F and G may be taken as £17.4 millions.

#### QUESTION OF RAW MATERIALS

43. We turn now to Schedules A to D, which specify the goods covered by the various undertakings of His Majesty's Government in the United Kingdom, and we propose to preface our detailed examination of these Schedules by certain observations of a general character. A large part of what India exports to the United Kingdom consists of raw materials of industry, and where that is the case question of preferences is not free from difficulty. The importing country has always to consider the interests of its own manufactures, and must naturally be reluctant to impose duties which would increase their costs, more particularly when the finished products of industry are ultimately exported to foreign markets. Indian industries make such large use of indigenous materials that the question of the free entry of raw materials has not received great prominence, though in a few cases, such as sulphur and unwrought zinc, its importance has been realised. The emphasis has rather been laid on cheap machinery, for India utilises its own raw products and imports its machinery. In the United Kingdom, however, the position is reversed, for she makes her own machinery and imports her materials. Broad considerations of national policy may in her case make duties on certain materials inadmissible for reasons precisely analogous to those which have been held to necessitate the free entry of machinery into India, or at least its admission at the lowest rate of duty which is financially possible. These are the difficulties on the side of the importing country. But in certain cases the exporting country also may find that little or no advantage can accrue from a preference. It may, for example,

possess (as India in a few cases does) what amounts to a monopoly of a particular material, and it is obvious that, when this is so, a preference in the importing country must be nugatory; or again, when the preference is accorded to several countries and their aggregate exports to the importing country already constitute a large proportion of its requirements, the preference cannot do much to extend the market for the produce of any of the countries concerned. These considerations are of some importance when India's exports to the United Kingdom come under review.

44. We propose to discuss first the goods specified in Schedule D. It was at our request that His Majesty's Government in the United Kingdom agreed that these commodities should be exempted from duty under the Import Duties Act irrespective of the country of origin, and it is desirable that we should explain clearly the considerations which influenced us. The clearest case of all is raw jute. Here India possesses what is practically a monopoly, and the only competition is in an indirect form, namely the use of manufactures of other substances as substitutes for jute goods. India's sole interest is to secure for her product the freest possible sale in the widest possible market. The duty on foreign jute imported into the United Kingdom is of no practical advantage to India, and may even, for reasons explained in paragraph 46, operate as an impediment to the trade in Indian jute. We had no doubt whatever that jute should be transferred to the free list.

45. It will be convenient to take next *Crotalaria juncea* and any other varieties of Indian hemp which can be distinguished. Here India has no sort of monopoly and her hemp is sold in competition with that of other countries, the principal competitor being *Cannabis Sativa* (European or true hemp). *Cannabis Sativa* is included in Schedule I of the Import Duties Act, and is therefore exempt from duty, but all other kinds of hemp, including Indian hemp, are subject to a duty of 10 per cent ad valorem when produced by a non-Empire country. Practically, therefore, the duty on Indian hemp imported from foreign countries is of no value as a preference so long as the principal competitor is on the free list. We should have been glad if it had been found possible to make the preference effective by imposing a duty on *Cannabis Sativa*, but the practical difficulties proved to be insuperable. The Russian type of European hemp (which is imported into England from several continental countries) definitely competes with Indian hemp for rope manufacturers, but the principal import of Continental soft hemp into the United Kingdom consists of Italian hemp, much of which is used for spinning—for the production of fabrics—and not for ropes or cordage, and is thus mainly non-competitive. Exact statistics are not obtainable, but the approximate quantity of the competing European hemp imported into the United Kingdom in 1929 was 4,500 tons, as against about 6,750 tons of Italian hemp, mainly non-competitive. If practical means could have been devised of distinguishing between the two qualities of *Cannabis Sativa*—one of them competitive and the other not—duty might have been imposed by the United Kingdom on the competing quality. It was not found possible, however, to frame a suitable formula or definition.

46. The position as regards hemp was found unsatisfactory in another respect. Two conditions are required for the free entry into the United Kingdom of natural products of Empire origin, namely:—

- (1) Proof that the commodity is of Empire origin, and
- (2) Consignment on a through Bill of Lading from an Empire country.

A practice has grown up by which stocks of Indian hemp (and the same is true of raw jute and mica) are held at such Continental centres as Antwerp, Hamburg and Bremen. These stocks are sometimes held on consignment at the Indian exporters' charge, and cheap storage facilities, coupled in the case of hemp with the larger demand on the Continent for certain types, have led to an entrepot trade of some importance. The result of the passing of the Import Duties Act has been that when London draws on the Continental stocks, the Indian goods entering the United Kingdom have to pay duty because they are not consigned on a through Bill of Lading. In effect, therefore, the preference in such cases is of no practical benefit, but is, indeed, an actual impediment to the free sale of the Indian product. Irrespective of the fact that His Majesty's Government in the United Kingdom could not see their way to impose a duty on *Cannabis Sativa*, we were satisfied that it was eminently desirable to secure the removal of the duty on *Crotalaria Juncea* and other varieties of Indian hemp.

47. The other commodities specified in Schedule D may be noticed more briefly.

**Mica.**—India supplies about 80 per cent of the United Kingdom requirements and other Empire countries about 10 per cent. The imports of mica of foreign origin must be less than the remaining 10 per cent, since imports of Indian mica from Continental stocks would be classified in the British Trade Returns as imports from the country from which the stocks were drawn. It was clear that the preference was of little value and in so far as the entrepot trade was hampered, it was contrary to Indian interest.

**Lac.**—India has no dangerous rival in the production of this commodity and the duty on foreign lac can do very little to assist her trade. If it had any effect at all in the way of raising the price of lac in the United Kingdom it would be positively mischievous, for lac is exposed to the keenest competition from synthetic substitutes. We were clearly of opinion that the best course in India's interests was that lac should be free of duty, irrespective of origin, while the synthetic substitutes in so far as they are imported into, and not made in the United Kingdom—should remain subject to duty.

**Myrabolams.**—In this case, India has a practical monopoly, more than 99 per cent of the United Kingdom's requirements being supplied by her. The preference can therefore do nothing to extend the market for the Indian product. On the other hand, there are many other tanning materials with which it is in competition. In our view it is best that myrabolams, as such, should be exempted from duty while the competing materials remain dutiable.

**Broken rice.**—The reason for securing exemption from duty, irrespective of origin for this commodity, is that it is used both for the manufacture of starch farina and as a feeding stuff for domestic animals. In both respects it competes directly with a wide range of substitutes. Enquiry showed that the supply of broken rice from Burma was not unlimited, and that the duty on foreign rice might produce a rise in prices which would entail a contraction in the demand. We considered it desirable that the duty should be removed.

Table II shows the value of the imports into the United Kingdom from India of the goods specified in Schedule D.

TABLE II.

Commodity.—Value of imports into the United Kingdom from India in 1929.

Lac	£ 1,306
Raw Jute	" 6,413
Myrabolams	" 249
Broken Rice	" 175
Mica	" 328
Indian Hemp	" 127

Total 8,698

#### CASE OF RAW COTTON

48. The most important of all India's export commodities is raw cotton, and throughout the negotiations we lost no opportunity of making clear our view that all possible steps ought to be taken to promote its sale in the United Kingdom. In the five years from 1926 to 1930, India exported on an average 628,000 tons of cotton a year, but only 6 per cent was consigned to the United Kingdom, while the United Kingdom imported 529,000 tons a year, but only 7½ per cent of this quantity was Indian cotton. The root cause of this disparity is well known. The great bulk of the Indian cotton crop is of short staple, whereas the Lancashire industry has specialised more and more in the finer qualities of goods, for which long staple cotton is required. It is also true that by far the greater portion of India's requirements of cloth for which Indian cotton is suitable is manufactured in India itself. On the other hand, Lancashire makes cotton piece-goods for other markets besides India the piece-goods imported into India from other countries are largely made from Indian cotton, and every year the quantity of longer staple cotton grown in India suitable for Lancashire use tends to increase. Discussions with the United Kingdom cotton trade representatives at

Ottawa showed it to be common ground that the improvement in Indian cotton growing during recent years has made it practicable for English spinners to use substantially larger quantities of Indian cotton than hitherto and that such a development would be of mutual benefit to both countries. No special technical difficulties militate against an increased use of Indian cotton in Lancashire, and in the last few years the quantities purchased have shown an increase. In these circumstances we raised the question of a duty on foreign cotton in the United Kingdom but the British Delegation made it plain to us that they could not entertain this suggestion, and that the interests of their own industry placed it out of court. We have no reason to complain of this attitude, for the importance of cheap raw materials to a great industry, more particularly when it is mainly dependent on its export markets, is obvious: and indeed, when the question of the permanent retention of a duty on machinery in India, with a preference to the United Kingdom, was raised from the British side, the position we ourselves felt compelled to take up was not dissimilar. In both cases the interests of domestic industries were held to be paramount.

49. When a duty on foreign cotton imported into the United Kingdom was found to be impossible there still remained the question whether the increased use of Indian cotton by the spinners of the United Kingdom could be stimulated by other methods. It is the best Indian cottons—particularly the newer 'growths' of medium stapled cottons—which are most suited to Lancashire requirements, and the United Kingdom cotton trade representatives stated that although the use of Indian cotton in Lancashire was undoubtedly spreading, the better types of Indian cotton are not widely known in Lancashire, and that in buying Indian cotton the Lancashire spinner is hampered by a lack of market facilities of the kind which he is accustomed to obtain when buying American or Egyptian cotton. Proposals were put forward for an organisation, on which the United Kingdom Cotton Trade Associations and the Indian Central Cotton Committee would be represented, the functions of which would be to bring the Lancashire spinner into closer touch with Indian sources of supply, and to arrange for the interchange of information and for such technical and commercial assistance as might be needed. We considered cotton research to be adequately provided for already by the Indian Central Cotton Committee and by the British Cotton Industry Research Association, and that while the United Kingdom cotton trade organisations must be the judges of what further propaganda is needed amongst Lancashire spinners in order to popularise Indian cotton, the removal of such marketing difficulties as exist is more important. Considerable advantage should be derived from any organisation which would ensure the presence, at all times, in Lancashire of stocks of Indian cotton large enough to meet spinners' requirements promptly and to afford an adequate selection; stocks of the desired size and variety are unlikely to be carried by purely commercial concerns until the demand for Indian cotton in Lancashire is both larger and more certain than at present. No difficulty would be met with by an organisation of the type proposed in furnishing United Kingdom spinners with full information about the quality and supply of the various Indian cottons. The results of our discussion at Ottawa were to be placed before the various Cotton Trade Associations of the United Kingdom on their return in order that a definite scheme might be prepared. In a report published on their return from Ottawa, the United Kingdom cotton trade representatives emphasise the importance of increasing Lancashire's consumption of Indian cotton, and refer to early arrangements for placing their proposals before the trade in detail. In article 8 of the Agreement, His Majesty's Government promise their co-operation in any practicable scheme on these lines; it is unnecessary to emphasise the potential value of this provision. A wider market for the improved types of Indian cotton would be of real value to the Indian cotton grower and would do much to encourage the development of cotton growing in India on sound lines with properly balanced production of the different types and staples. With the increased area available for the production of medium staple cotton as a result of the completion of the Lloyd Barrage Canal scheme in Sind this is a matter of great importance.

#### OTHER COMMODITIES

50. Another very important Indian export commodity is manganese. During the five years 1926 to 1930, India exported 600,000 tons a year, so that the Indian trade is largely dependent on the Continental markets, and in these the competition of low-grade Russian ore has in recent years become very severe. In the United

Kingdom, however, Indian Manganese still retains its predominance, the supplies from India amounting to 83 per cent of the quantity imported from 1926 to 1930. The higher grade of the ore makes it suitable for the steel manufacturing processes mainly in use in the United Kingdom, and it is because other processes are often used on the Continent that the low-grade ore has found favour there. We made special enquiries to ascertain whether the reorganisation contemplated in the British iron and steel industry might lead to the adoption of processes involving a larger use of the low-grade ore, but the assurances we received satisfied us that this was unlikely. Manganese, being a raw material of industry, is free of duty in the United Kingdom and not included in any of the Schedules to the Agreement. We thought it worth while, however, to mention it here, because the Indian production has already diminished considerably under the pressure of foreign competition and if India's position in the United Kingdom market were ever threatened, it might be necessary to take the matter up again. The imports of foreign ore into the United Kingdom should, we think, be kept under observation.

51. It is not necessary to discuss in much detail, the goods specified in Schedule C on which the maintenance of existing margin of preference is guaranteed. In all cases, with the exception of tobacco and tea, the preferences originated with the Import Duties Act, and are the result of the new policy adopted by His Majesty's Government in the United Kingdom. In some cases, such as coir manufactures, tanned hides and skins, jute manufactures, teak, castor seeds, tea and groundnuts, while there may be some expansion of the demand for Indian products, the chief importance of the preference is that it secures the trade against actual or potential competition and ensures the maintenance of the position which India has already acquired in the United Kingdom markets. In other cases, such as oilseed cake and meal, paraffin wax, hardwoods other than teak, and woollen carpets and rugs there is more room for development and the effect of the preference should be a gradual increase in the demand for Indian products. Three of the commodities in this Schedule, namely magnesite, sandalwood oil, granite setts and kerbs, were specially brought to our notice by producers in the Indian States, and we hope that the preferences now guaranteed will be of benefit to the States concerned. The preference on granite setts and kerbs is of special interest as it may possibly lead to the development of a new trade. The value of the imports from India into the United Kingdom of the goods specified in Schedule C is shown in Table III. It amounts to £38½ million, the largest single item being tea, which accounts for £20 million. The margins of preference are also shown in the Table. In most cases it is 10 per cent ad valorem, but on cotton and jute manufactures and woollen carpets and rugs it is 20 per cent. The margin of preference on tea is 2*d.* a pound, on unmanufactured tobacco 2*s.* 0½*d.* a pound and on cigars 3*s.* 10½*d.* a pound.

TABLE III

Commodity	Value of trade in 1929 £000	Preference
Tea	20,083	†2 <i>d.</i> per lb.
Coir yarn	619	10 per cent.
Coir mats and matting	433	20 "
Cotton yarn	12	10 "
Cotton manufactures	189	20 "
Leather undressed, Hides (other than for sole leather)	2,337	10 "
Leather undressed, Skins	2,755	10 "
Jute manufactures	2,798	20 "
Oilseed cake and meal	1,106	10 "
Spices	1,322	10 "
Teak (hewn and sawn)	965	10 "
Other hardwoods (hewn and sawn)	80	10 "
Woollen carpets and rugs	546	20 "
Bran and pollards	2	10 "
Rice meal and dust	1,388	10 "
Lead	1,216	10 "
Tobacco, unmanufactured	385	*2 <i>s.</i> 0½ <i>d.</i> per lb.

† Volume of trade in 1929=307 millions lbs.

Volume of trade in 1929=9 millions lbs.

Commodity	Value of trade in 1922 £000	Preference
Tobacco, manufactured—cigars	13	3s. 10 $\frac{1}{2}$ d. per lb.
Castor seed	510	10 per cent.
Magnesite	5	10 "
Sandalwood oil	89	10 "
Granite setts and kerbs	(new trade)	15 "
Groundnuts	1456	10 "

Total 38,264

52. As has already been explained, Indian goods otherwise liable to duty under the Import Duties Act have been guaranteed free entry into the United Kingdom by Article 1 of the Agreement. It follows that, so long as the United Kingdom retains a duty on imports from foreign countries of those classes of goods imported from India which are not specified in any of the Schedules, India will in fact receive a preference. The most important classes of goods in this category appear to be barley, pulses and miscellaneous foodgrains, manure and bones, raw goat skins and asbestos, and the value of such goods imported into the United Kingdom from India in 1929, as nearly as can be ascertained, is £1 $\frac{1}{2}$  million. The total value of the goods imported from India into the United Kingdom in 1929, which if the agreement had been in force in that year would have received a preference, is as follows:—

Schedule A	2,093
Schedule B	168
Schedule C	38,264
Unscheduled	1,343
Total—	<u>41,868</u>

The total is about two-thirds of the value of all goods imported from India into the United Kingdom in 1929.

#### WHEAT

53. Schedules A and B specify six classes of goods on which the Agreement secures for India new or increased preferences. Three of them need only be noticed briefly. The preference of 2s. a quarter on wheat is one in which the Dominions are much more vitally interested, as things are to-day, than India can be, so long as her exports remain negligible in amount and the present level of world prices continues. But it is a matter of real concern to India that she should not be left out of any arrangement connected with wheat into which the Dominions and the United Kingdom may enter, and the preference may be of appreciable value to her when the most recent irrigation schemes, and particularly the Sukkur Barrage, bring about as they are expected to do, a substantial increase in India's wheat acreage. Another commodity of greater importance to certain Dominions and Colonies than to India is coffee. Here, however, the Indian production is largely dependent on the export demand and since the United Kingdom consumes nearly three times as much coffee as India exports, an increase in the preference is likely to result in a larger demand for Indian coffee. The existing preference of 2s. 4d. a cwt, which has been in force since 1919, has been of some value, but even at the present low level of prices it only amounts to 1 $\frac{1}{2}$  per cent ad valorem, and for the five years 1926 to 1930 only 45 per cent. of the United Kingdom's requirements were supplied by Empire coffee, and India's share was only 8 $\frac{1}{2}$  per cent. The preference will now be increased to 9s. 4d. a cwt., and as most of the foreign coffee imported into the United Kingdom is of the mild type and similar to good quality Indian coffee, it is reasonable to expect that the consumption of Indian coffee in the United Kingdom will increase substantially. The State of Mysore is greatly interested in the production of coffee, and we hope that the preference now obtained will be of benefit to this State in particular, as well as to the coffee-growing areas in British India. The third Indian product which may be noticed here is magnesium chloride, which is produced in one of the salt areas in Kathiawar. The new duty to be imposed on magnesium chloride imported from foreign sources is 1s. an hundredweight, and from the information supplied to us by the producers in India,

§ Volume of trade in 1929—49 thousand lbs.

it seems probable that the preference will enable them to supply part of the requirements of the British market.

54. The most important of the new preferences is that on linseed, on which a duty of 10 per cent is to be imposed in the United Kingdom. Linseed is a prominent constituent of one of the most important groups of Indian exports—the oilseeds. In recent years Indian exports of linseed have shown a declining tendency and have never recovered their pre-war volume. During the quinquennium 1926 to 1930, the average imports of the United Kingdom amounted to 314,000 tons a year, while during the same period India's exports averaged 215,000 tons a year, one-quarter of which was taken by the United Kingdom. It is obvious that in these circumstances the United Kingdom is in a position to absorb a much larger quantity of linseed that India exports and the new preference should lead to a marked increase in India's output of this class of oilseed. It does not appear that the decline in Indian production has been brought about by the factor other than waning demand, and the fact that Indian linseed production reached 533,000 tons in 1922-23 as compared with 257,000 tons in 1930-31 shows that there is considerable room for expansion. Indeed, with the fall in the prices of cereals and cotton, there is abundant scope for a substantial increase of production in several Indian provinces. An enlargement of the area under linseed in India by two million acres (representing an additional production of at least 250,000 tons) should not be difficult of attainment in a year or two in response to an increased demand. It appears to us that from the Indian point of view the preference is of great importance to agriculture and ought to lead to a substantial increase in Indian exports.

55. The United Kingdom is a large buyer of linseed—the oil being required for industrial purposes and the cake as a feeding stuff—and at present she draws by far the larger portion of her supplies from the Argentine. The price at which her industrialists and farmers can obtain these commodities is of course a matter of great importance to her, and it would be idle to hope that the preference could be of long continuance unless Indian production increases in proportion to the increased demand. The extraordinary elasticity of Indian agricultural production in response to variations in world demand leads us to believe that India can without difficulty meet a very large part of the United Kingdom's requirements, but the matter is of such importance that we think the attention of the Agricultural Departments in the Provinces should be specially drawn to it.

56. An enhanced preference of considerable importance is that on vegetable oils, the duty on six of which, viz., castor oil, cocoanut oil, linseed oil, rape oil, groundnut oil and sesamum oil, will be raised from 10 per cent. to 15 per cent. India has an expanding industry with great possibilities and an export trade of considerable importance. Most of the Indian exports are absorbed by Eastern markets, but the United Kingdom is already an important purchaser of vegetable oils from India, and also buys from the Continent of Europe vegetable oils which India could well supply and indeed already exports. Since Indian products are at a certain disadvantage (due to expensive packing and high sea-freight) an increased preference was a matter of importance.

57. The last of the enhanced preferences to be considered is that on rice, where the duty will be raised from 10 per cent. ad valorem to 1½. a pound. At present the United Kingdom takes about one-third of its supplies from India and Burma and two-thirds from foreign sources. Our examination of the position and the information we received from representatives of the United Kingdom rice milling industry satisfied us that there was no reason why India and Burma should not meet the whole demand, but that this result could not be brought about except under the stimulus of a very substantial preference. Great progress has been made by the United Kingdom rice-millers in finding types of Indian rice suitable for all branches of the United Kingdom retail trade. The Indian Empire is by far the largest producer and exporter of rice in the world, and the price of Indian rice is low compared to that of the American and Spanish rices which compete with it on the United Kingdom market. The demand, however, is affected not only by price but by minor matters such as the method of packing and polishing, which are really matters of fashion. We were also informed that Spanish rice was often shipped by small coastal steamer direct to a number of small ports in the United Kingdom and sold direct to growers on farms which made competition difficult. With an enhanced preference, however, rice from India and Burma should be able to displace the foreign rice and meet the whole demand of the United Kingdom.



only 3 per cent of India's exports there can be no danger of prices being raised against the consumer, for the competition between the Indian suppliers is very keen.

#### SUPPLEMENTARY AGREEMENT RE. IRON & STEEL

80. The scheme which will be embodied in a Supplementary Agreement\* between His Majesty's Government in the United Kingdom and the Government of India provides that, up to the 31st March 1934 (when the duties fixed after the statutory enquiry by the Tariff Board will become operative), the duties on galvanised sheet shall be as follows :—

- (1) Sheet made in the United Kingdom from Indian sheet bar: Rs. 30 a ton.
- (2) Sheet made in the United Kingdom from other sheet bar: Rs. 53 a ton.
- (3) Sheet not made in the United Kingdom : Rs. 83-12-0 a ton.

The basic figures underlying this scheme are as follows: The bed rock price of Belgian galvanised sheet is assumed to be £8-10-0 a ton f. o. b. Antwerp as against £8-12-6 a ton, the lowest price actually quoted according to our information. The necessary additions on account of sea freight, landing charges and duty increase this sum of Rs. 215 a ton duty paid at an Indian port. The price assumed for galvanised sheet made in the United Kingdom from sheet bar, other than Indian sheet bar, is £10-10-0 a ton f. o. b. We are satisfied that this is the lowest price which will give the British sheet manufacturer a reasonable return, for when all costs have been met the sum left to cover depreciation and profit is only 12s. 6d. a ton. With the additions necessary for freight, landing charges and duty, this figure also means a duty paid price of Rs. 215 a ton in India, the freight from a United Kingdom port being taken as on the average 5s. a ton above the freight from Antwerp. The difference of Rs. 30-12-0 a ton between the duty on British sheet not made from Indian bar and sheet made elsewhere, is the difference between the lowest price which the continental manufacturer has yet quoted and the lowest price which the British manufacturer can reasonably accept. The object of this difference in the duties is to enable the British manufacturer to obtain a price which does not involve an actual loss. It remains to consider the further difference of Rs. 23 a ton between the duty proposed on sheet bar made in the United Kingdom from Indian sheet bar and on sheet made from other bar.

81. If the special arrangements connected with the duties on galvanised sheet were to be acceptable to India, it was indispensable that they should furnish reasonable security that any increase in the sale of British galvanised sheet in India should be accompanied by an equivalent increase in the sales of Indian sheet bar in the United Kingdom. If the duties were so adjusted that the British manufacturer had no inducement to use Indian sheet bar when making sheet for the Indian market, it would fail to achieve one of its primary objects, namely, the securing of a fresh outlet for Indian steel. It was impossible to obtain the necessary assurances on this point at Ottawa, and it was on this account that the final settlement had to be postponed until further discussions had taken place in London between the representatives of the British industry and of the Indian industry. As a result of these discussions we have received assurances that the representatives of both industries are satisfied that, with a difference of Rs. 23 a ton between the duty on sheet made in the United Kingdom from Indian sheet bar, and sheet made from other bar, it will be possible to do business at prices satisfactory to both industries, so that the extended use of Indian sheet bar is assured. That being so, we are satisfied that the scheme is one which we can recommend for adoption by the Indian Government and Legislature.

82. In the scheme which has been outlined there are three dangers against which provision must be made if the scheme is to work successfully. These are :—

(1) Price cutting by Continental manufacturers below the c. i. f. price of Rs. 128-4-0† a ton which we have taken as basic.

(2) Price cutting by British manufacturers below the c. i. f. price of Rs. 150† a ton which has been assumed as reasonable.

†The Supplementary Agreement is embodied in an exchange of letters which are printed as an Annexure to the Report. (Vide pages 49-50 post) (here omitted).

†These prices are arrived at by deducting the duties on British and other sheet respectively, plus an allowance of Rs. 3 a ton for landing charges from Rs. 215, the duty-paid price at an Indian port.

(3) A combination between the British and Indian manufacturers to raise the duty-paid price above Rs. 215 a ton at a port in India.

86. We have no doubt that the Supplementary Agreement about Iron and Steel is to the advantage of both countries. On the British side the sheet manufacturer is enabled to sell his sheet in the Indian market on much more favourable terms and at a price which gives him a reasonable return. Unless this could be arranged agreement was impossible. On the Indian side we have already explained the extreme importance of the continuance of free entry into the United Kingdom for Indian iron and steel and of the new outlet for Indian steel which is created by the lower duty on sheet made from Indian sheet bar. Nor is the protection afforded to the Indian industry in any way impaired by the lower duty on British sheet, for the Government of India will retain full power to impose additional duties should the need rise. But the agreement is of equal importance for another reason. In every steel producing country in the world the capacity of steel plants is far in excess of the present demand, and it is this which has brought about the present cut-throat prices. If we had been unable to reach agreement the almost inevitable result must have been the erection of new iron and steel furnaces in the United Kingdom and the accelerated establishment of additional galvanised sheet plant in India, thereby aggravating the conditions from which the world is suffering. We believe that much could be done through the method of industrial co-operation to alleviate these conditions rather than to make them worse, and we are glad that it has proved possible to give a concrete example of what can be accomplished in the special arrangement which we have described in this chapter.

#### APPENDIX E.—TEXT OF THE AGREEMENT

We, the representative of His Majesty's Government in the United Kingdom and of the Government of India, hereby agree with one another on behalf of our respective Governments as follows:—

*Article 1.* His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of Section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932 of entry free of duty into the United Kingdom of Indian goods which comply with the law and statutory regulations for the time being in force defining Empire goods for purpose of customs duties and which by virtue of that Act are now free of duty.

*Article 2.* His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule A\* appended hereto, the duties of customs shown in that Schedule in place of the duties (if any) now leviable.

*Article 3.* His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to Indian goods of the kinds specified in Schedule B appended hereto which comply with the law and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties, the margin of preference over similar foreign goods shown in that Schedule.

*Article 4.* His Majesty's Government in the United Kingdom undertake that no order will be made and that Parliament will not be invited to pass legislation which would have the effect of reducing the margin of preference now enjoyed by Indian goods of the kind specified in Schedule C over similar foreign goods, and further undertake that, in the event of any greater preference being accorded in respect of goods imported from any other part of the Empire, such greater preference will be extended to similar Indian goods.

*Article 5.*—It is agreed that the duty on either wheat in grain or lead as provided in this Agreement may be removed, if at any time Empire producers of wheat in grain and lead respectively are unable or unwilling to offer these commodities on first sale in the United Kingdom at prices not exceeding the world prices, and in quantities sufficient to supply the requirements of United Kingdom consumers.

*Article 6.*—His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, which complies with the law and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties, the existing margin of preference over foreign tobacco, so long, however, as the duty on

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\*The schedules have been omitted, but their contents are discussed in the chapter on the agreement extracted earlier.

foreign unmanufactured tobacco does not fall below 20%*d.* per lb. in which event the margin of preference shall be equivalent to the full duty.

*Article 7.*—His Majesty's Government in the United Kingdom will invite Parliament to pass legislation providing for the admission into the United Kingdom free of duty from all sources of the goods specified in Schedule D.

*Article 8.*—His Majesty's Government in the United Kingdom undertakes that they will co-operate in any practicable scheme that may be agreed between the manufacturing, trading and producing interests in the United Kingdom and India for promoting, whether by research, propaganda or improved marketing, the greater use of Indian cotton in the United Kingdom.

*Article 9.*—His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing Colonies and Protectorates to accord to India any preferences which may for the time being be accorded to any other part of the British Empire, provided that this Clause shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930, and further will invite the Government of the Colonies and Protectorates shown in Schedule E to accord to India new or additional preferences on the commodities and at the rates shown therein.

*Article 10.*—The Government of India will invite the Legislature to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule F which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties the margins of preference over similar foreign goods shown in that Schedule.

*Article 11.*—The Government of India will consider, in the light of the findings of the Tariff Board, the protective duties to be imposed on goods of cotton and artificial silk according as they are made in the United Kingdom or elsewhere, and will invite the Legislature to pass legislation by which where protective duties are not imposed as a result of the recommendations of the Tariff Board upon United Kingdom goods of the kinds specified in Schedule G, the margins of preference shown in that Schedule will be extended to such goods.

*Article 12.*—The Government of India will invite the Legislature to pass the legislation necessary to secure to the Colonies and Protectorates and the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate, preferences on the commodities which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties and at the rates shown in Schedule H and also any preferences from time to time accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request. Provided that the Government of India shall not be bound to accord any preferences to any Colony or Protectorate which, not being precluded by international obligations from acceding preferences, either (i) accords to India no preferences, or (ii) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the territories of the High Commission) preferences not accorded to India.

*Article 13.*—His Majesty's Government in the United Kingdom declare that they will maintain their existing policy under which tariff preferences accorded to any Dominion are also accorded to India, and the Government of India, for their part, declare that it is their intention to extend to the United Kingdom any tariff preferences which they may accord to any Dominion.

*Article 14.*—This agreement between His Majesty's Government in the United Kingdom and the Government of India shall continue in force until a date six months after notice of denunciation has been given by either party.

Provided that in the event of circumstances arising which in the opinion of either party necessitate a change in the rates of duty or margins of preference settled by the agreement on any particular description of goods, that party shall notify and consult with the other party with a view to adjustments being agreed upon. If no agreement is reached within six months of the date of such notice it shall then be open to the original party to give to the other party six months' notice of his intention to carry into effect the change desired in the rate of duty or margin of preference on goods of the description named in the original notice and to bring the revised rate of rates into operation at the expiration of this period.

# The Assembly Committee Report

## ON THE OTTAWA AGREEMENT

The Assembly Ottawa Committee submitted its report to the Legislative assembly at New Delhi on the 28th. November. The Report was divided into two parts, the majority and minority reports. The majority report was signed by Sir Joseph Bhore, Sir Hari Sing Gour, Mr. Yamin Khan, Sir Alan Parsons, Mr. C. S. Ranga Aiyar, Mr. H. P. Mody, Mr. F. E. James, Mr. F. X. D'Souza, Mr. Abdulla Haroon, Dr. Ziauddin Ahmed, Sir Zulfiqar Ali and Mr. Shanmukham Chetti.

The report declared : "So far as we are able to judge, it is definitely in India's interest to accept the Agreement. The only certain test is experience of the actual results over an adequate period. We believe our recommendations in this respect will provide the material necessary to enable that test to be applied.

The majority recommended that the Government should prepare an annual report reviewing the effect of the preferences and also including any representation made by Indian industries on the effect on them of the import preferences.

They recommended the appointment of a committee of fifteen members of the legislature to consider the annual report on the working of the Agreement, showing the effect on agricultural and other interests and make a report to the Assembly. The majority further recommended that, after three years' working of the Agreement, the Government should present to the Indian legislature a detailed report and if the legislature was satisfied that the continuance of the Agreement was not in the interest of India, the Government should undertake to give the required notice to terminate the Agreement.

The majority report, discussing first the commodities on which India will receive preference in the United Kingdom, remarked that the "exclusion of India from the benefit of the preferences given by the United Kingdom would cause her to lose at least a large portion of the market she now holds." They regretted that preference was not secured on cotton seeds, and suggested the immediate starting of negotiations for the purpose.

The report opined : "The tariff policies of foreign countries suggest that India has little immediate or prospective opportunity of increasing her trade and may face a difficulty in retaining the existing trade, in view of the increasing tariffs in those countries against Indian exports, whereas the United Kingdom offers an opportunity to enter and develop a market, which is India's largest and most stable single market."

The report expected the Select Committee on the Ottawa Tariff Bill, to scrutinise the proposals, with a view to safeguarding the interest of the small Indian industries which had grown behind revenue tariff-walls.

The report stated that "in the course of an extensive examination of the Agreement, lasting a fortnight, we have had placed at our disposal statistical and other data which was furnished to the Delegation by the Government of India, supplemented by such further information of a special kind which we asked to be supplied. We had had the advantage also of hearing the opinions of a few gentlemen."

The majority divided their report into four heads. They first dealt with the commodities on which India would receive preference in the United Kingdom (schedules A to D of the Agreement) and stated :

"In regard to preferences on certain commodities, while recognising the possibility that some advantage may accrue from them, the importance which is attached to the value of these preferences, should not be exaggerated. In this category, we place magnesium chloride, cotton yarns, cotton manufactures, bran and pollard rice. As regards wheat, preference is not of immediate value, but agricultural interest welcome it in view of the expected development of Indian production.

"As for coconut oil, the relevant statistics show the possibility of a very great development of the market in the United Kingdom, but the local demand has attracted a part of the Indian production previously exported. The inclusion of this item apart from any effect on the export trade, is necessary to render effective the important preference on groundnut oil and sesamum oil.

"As regards linseed, India is the sole supplier of linseed within the Empire, but it is doubted whether in view of the selling pressure in Argentine, the preference of ten per cent will lead immediately to displacement on any large scale in the U. P. A prompt and careful examination will also be necessary into the matter of grading, marketing and transport of Indian linseed, with the object of securing the greatest possible reduction of costs.

"As regards rice (whole cleaned), though the market is small in relation to India's total exports, the preference being nearly fifty per cent ad valorem, is substantial, and will permit the capture of a greater part of the market. The potential value of the preference is changed by the fact that India has no competitor within the Empire.

"Paraffin wax has no appreciable competition within the Empire, so that the potential additional market in the United Kingdom is substantial to India, which has supplied only forty two per cent of the needs of the United Kingdom in the past."

The majority considered that the preference given on the following articles was definitely valuable :— Coffee, coir-yarn matting, oilseed, cake and meal spices, teak and other hard woods, woollen carpets and rugs, tobacco, castor seed, ground-nuts and pig-lead. The money-value of these amounted to two crores and twenty-seven lakhs. The report remarked : "The total value of trade in the same commodities capturable by Empire countries is estimated at £3,0562,000. Assuming that when other Empire countries compete with India, the percentage of exports from all the Empire sources into the United Kingdom remains the same as it is to-day, the value of the additional market in the United Kingdom which is open to India will amount to Rs. 13½ crores."

The majority report, dealing with the exports from India of tanned hides and skins, stated that over eighty per cent of the total exports already go to the United Kingdom. It continued : "In regard to these commodities and jute manufactures, we attach special importance to the fact that they are the products of manufacturing industries, and that any stimulus which can be applied to the export of articles of that class represents a measure of assistance to the process of the conversion in India of her own raw material."

As regards jute, it was pointed out that India has latterly met with increasing competition from the Continent. At present, the Indian jute manufacturing industry is only working at 45 to 50 per cent of its capacity, so that the importance of any measure to retain and develop its market must be readily admitted.

"The preference given to magnesium and sandalwood oil may be of local importance, but a special representation was made to the Indian Delegation by the producers themselves to obtain preferences."

The report specially mentioned about tea, which was the most important article of India's export trade upon which preference had been given. It was pointed out that in the case of tea, coffee and tobacco, the exclusion of India from the benefit of the preferences would cause her to lose at least a large portion of the market which she now holds.

The majority report next declared : "It is a matter for regret that preference was not secured on cotton seed, and we recommend that the Government should open negotiations with His Majesty's Government for the inclusion of this commodity. We endorse the Delegation's report about manganese ore, that the volume of India's export should be carefully watched with a view to the question of preference being re-opened, if India appears to be losing her position in the United Kingdom market."

The report next dealt with the second main heading, namely, supplementary agreement about the Steel and Iron Industry, and declared : "This Agreement is, in our opinion, of special value, in that it secures an important trade for pig-iron in the United Kingdom market."

The majority report made interesting remarks in explaining the general considerations in regard to the preferences given by the Agreement to India's exports. It was stated that many of the Indian exports were subject to increasingly high tariffs in foreign markets, which restricted her trade and tended to keep down the prices she obtained for her goods. The report gave a large number of instances of high duties imposed by different countries on articles which India produced, and observed :

"The tariff policies of these and other countries suggest that India has little immediate or prospective opportunity of increasing her trade with them, and that even her existing trade with those countries it will be difficult to retain against ob-

tacles of such dimensions. It is, for this reason, of great importance for her to retain and develop a market in which her products can secure a free entry on favourable terms. The United Kingdom, while offering this advantage, is India's largest and most stable single market.

"It is difficult to forecast, with any accuracy, the actual efforts which the operation of the preferences contained in the Agreement will have on India's trade with countries other than the United Kingdom and the non-self-governing colonies. It is possible that, in the case of certain commodities, there may not be expansion of trade from the existing channels; but, in other commodities, among which we cite in particular, linseed, groundnut oil linseed oil, castor oil and rape oil, in view of India's capacity for enlarged production and the extent of the market available in the United Kingdom, preference will evidently lead to definite extension of the total volume of Indian trade, since the market for these commodities which may be captured by India in the United Kingdom alone is greater than the total volume of Indian exports of the same products to all countries."

A statement is given showing that in respect of the five above mentioned commodities, the total value of the trade held by India in the United Kingdom plus the potential additional market in that country is Rs. 9½ crores against the total value of Indian exports to all countries including the United Kingdom of Rs. 6 crores.

The majority report next deals with the important question of preference which India will give to the United Kingdom goods. Emphasis is laid on the exclusion of all India's protected industries from the scope of the preference. The same principle will apply to industries which may be given protection hereafter. Even delay up to a maximum of a year in getting any change in the Agreement will not prevent the grant, with immediate effect, of protection to an Indian industry not at present enjoying it. The Government of India can impose on imports from the United Kingdom any duty so long as the guaranteed margin of preference is not diminished.

The majority report next deals with the case of Indian industries started or developed behind the shelter of the revenue tariff, and recommends: "We consider when the Tariff Bill is referred to the select committee, that the position of such industries as appear to need special consideration should be carefully examined."

The majority add their opinion that they are strongly opposed to the continuance of the existing level of the general tariff any longer than is absolutely necessary for revenue purposes. They consider, in the interests of the country generally, that the general level of tariffs after the surcharges imposed by the Finance Acts of 1931 should be reduced as soon as the financial situation permits.

The majority report deals next with the question whether preference given to the United Kingdom is likely to involve a burden on the consumer in India. It is remarked that it is impossible to predict generally on whom the cost will fall, but experience has shown that, in many cases, the whole of the cost falls upon the producer who is faced with the necessity of reducing his prices to meet the higher tariff to retain his market. Such a result is more probable in the case of manufactured articles than in that of primary produce, since during the general economic depression the fall in the prices of primary produce has been relatively very much greater than that of manufactured goods. The report, however, recommends that "following the introduction of the new rates of duty, a careful watch be maintained by the Government upon the course of the prices of imported articles which have been subject to differential rates of duty in accordance with the Agreement".

The report mentions that the effect of the customs revenue is of the highest importance, and that the Finance Member has assured the Committee that the Government kept before them the necessity of ensuring that the customs revenue does not suffer any diminution through the method of giving preference. It is also stated that the tariff changes have not been so designed as to increase the revenue from customs as a whole. The majority report declares that the decision on the question should not depend on whether the United Kingdom is likely to derive greater advantage from it and quotes the opinion of Professor Ghose, one of the critics of the Agreement, in support of this view.

The final recommendations are that the Government should prepare an annual report reviewing the effect on India's export and import trade of the preference, and that there should be included in the report a statement of Indian industries which have made a representation to the Government in regard to the effect upon them of

the import preferences and a statement of the action taken by the Government on such representations. It is also recommended that a committee of fifteen members should be appointed by the Assembly to consider the report referred to above, and to examine, in the light of information furnished by it and if necessary with the assistance of the interests concerned, the effect of preferences on agricultural and the other interests, and to report.

The report further recommends that, on the expiry of three years from the date on which preferences become operative, the Government should place before the Assembly a detailed report on the course of the import and export trade in the commodities covered by the preferential rates of duty, and that they should undertake to give notice of denunciation required by Article 14 of the Agreement, if the Assembly, after considering the report, is satisfied that the continuance of the Agreement is not in the interests of India.

The report proceeds: "We wish to add, in order that there may be no misapprehension, that the Government of India's right to give notice at any time of denunciation of the Agreement, is not effected by this recommendation."

Finally, the majority report deals with the preferences given by India to and those received by her from the non-self-governing Colonies and Protectorates. It is admitted that full details are not available, but the point is that India will secure whatever tariff preferences the Colonies grant to the United Kingdom or any other part of the Empire. The most important of these preferences are cotton piece-goods, fresh fruits and vegetables, pig-lead imported into Ceylon and cotton piece-goods, jute manufactures and groundnut oil in the trade with Malaya. Preferences granted to the Colonies and Protectorates are mainly on natural products, which India imports to supplement her own production.

The majority summing up observe: "Our final conclusion is that, so far as we are able to judge, it is definitely to India's interests to accept the agreement. The only certain test is experience of the actual results over and adequate period of time, and we believe that if the recommendations which we have made to that end in this Report are carried into effect, the Government of India and the Legislature will be provided with the material necessary to enable that test to be applied."

### THE MINORITY REPORT

Sir Abdur Rahim, Mr. Sitaramaraju and Dewan Bahadur Harbilas Sarda, in their minority report, declare themselves unable to accept the majority conclusion after a fortnight's examination, that it is definitely to India's interest to accept the Agreement. They proceed:

"The majority admit that they had not sufficient time to examine fully that part of the Agreement which deals with preferences on imports into India. This is at least as important a part of the Agreement, as preferences on our exports, and one which is causing uneasiness in commercial and industrial circles as well as among the general public throughout the country. Our colleagues evidently attach no importance to the fact that such expert and business opinion as we received, was adverse to the Ottawa scheme of tariffs. That also is the trend of most of the representations which were made to us individually by several industrial interests. One principal object of the Assembly in appointing this Special Committee was that we should ascertain the views of business men and experts, and for our part we do not think it right to disregard such views."

The minority point out that the scheme of preferential tariffs was not thought of by the Government of India as being required in the interest of India. Lord Curzon's Government rejected such a tariff scheme. The Fiscal Commission disapproved of it. The fact of the matter was that, in England's present economic distress, the Conservative Party, being in a dominating position, wished to recover lost ground, and create a larger market in India.

The minority add: "The stand-point from which we have to look at the question, is whether the scheme will benefit India at the same time. We would repudiate the suggestion that the scheme should not be accepted even if it is advantageous to India, because at the same time it is advantageous to Britain."

Proceeding, Sir Abdur Rahim, Messrs. Sarda and Sitaramaraju observe that the Agreement is so all-embracing in its range, affecting the entire economic structure of the country, and raises questions of policy of such importance, that they are surprised that the Government should not have, at any stage, consulted the commercial, industrial and agricultural interests on the value and the effects of the proposed

preferences. Even the Government delegation does not suggest that the proposals would relieve India to any extent from the effects of the world depression. In fact, they have scarcely applied themselves to this most important aspect of the question.

The minority report quotes from the speeches of Sir George Schuster and observes that, without a large balance of trade in her favour, India could not meet her obligations in foreign countries. It must be borne in mind that it would take considerable time for the Indian agriculturist to respond to any increased demand. In most of the provinces, new land cannot be easily brought under cultivation, and holdings are so fragmented that it is very difficult to apply the schemes of scientific intensive cultivation. On the other hand, a well-organised and well-equipped industrial country like Britain can easily expand her products in response to additional demands. But the members signing the majority report do not pay any heed to the actual conditions of India as compared to those obtaining in Britain, and proceed upon what we consider to be mere theoretical possibilities when they talk of capturing the British market or extending India's export trade to any large extent."

Proceeding, Sir Abdur Rahim and his two dissenting colleagues say that a substantial percentage of India's exports consists of commodities of which India has a monopoly, or in respect of which she occupies a predominant position in the British markets relatively to foreign countries, and in which India has no competitors in the Empire. With respect to these commodities, preference has no value whatever, and must be left out of account. The linking of the Rupee to Sterling has led to the export of gold of the value of 100 crores to Britain within the last eleven months. This Bill further cripples the purchasing power of India in respect of her trade with gold standard countries.

Examining commodities on the export list, in view of what the majority report says on each of the items the minority remark that in the case of wheat, it is more than doubtful if the Indian producer can ever compete with Australia and Canada, not to speak of Russia, in the United Kingdom market. The problem of Railway rates and freights makes the position still more hopeless, unless Britain is prepared to fix a quota for Indian wheat at economic rates. Otherwise, the Punjab farmers, who have been so hard hit, will continue to suffer.

As regards rice, the Minority Report observes that as the total export was about five per cent of the production in India and Burma, the loss of preference in the United Kingdom market would be negligible.

Referring to the figures mentioned by the majority regarding coconut oil, the minority say that they are unimportant in the United Kingdom market.

Agricultural conditions in India are such that the prospect of expansion in any case is remote. With regard to oil, spices, etc., Sir Abdur Rahim and his colleagues agree with Mr. Ghosh that there will be a division of trade. As for coffee, even assuming the possibility of some expansion in its production, preference is not likely to be of great value, as the Empire competitors, like British East Africa, occupy a much stronger position.

Referring to tobacco, Sir Abdur Rahim and his colleagues have come to the conclusion that India will not be able to derive any benefit by preference. If the preference is withdrawn, the loss to India is estimated at about one per cent of her total production.

In regard to groundnuts, the United Kingdom takes only six per cent, while foreign countries take 90 per cent. The capacity of United Kingdom market is just another six per cent and therefore the possibility of expansion is only that much.

Alluding to tanned hides and skins Sir Abdur Rahim and his colleagues do not share in the assertion of the majority that preference would stimulate conversion of raw hides into tanned skins, especially as there is a growing home industry in boots, shoes etc.

Regarding jute manufacturers India's principal markets are the United States and Argentine. India has a monopoly of raw jute, and in jute manufactures, India's rival is Britain itself. Besides, the value of India's trade with the United Kingdom in jute manufactures is only five per cent of the total exports. India can not only protect herself against Dundee, but can expand her jute manufacturing industry, by repealing the export duty on jute manufactures.

As for tea, the minority report does not regard Ceylon as a serious competitor as the capacity of her production is limited. The British public will protest against any exclusion of Indian tea, because it would raise prices. Thus, in the case of a monopoly and of semi-monopoly commodities, the Agreement has no value, and in the majority of cases preference would only result in the diversion of trade from



foreign countries to the United Kingdom with no practical advantage to India. In the case of all raw products generally, the possibilities of expansion, having regard to the actual conditions of Indian agriculture, are more than doubtful, and in any case the benefit of the increase in trade for the most part, is absorbed by middlemen, exporting houses, and shipping and insurance companies.

The Assembly should order an enquiry before taking action on the Ottawa Committee's report, specially as the majority themselves admit that they have not been able to examine the Agreement thoroughly with reference to its effects on the preferences to India's imports from Britain.

The minority report concludes : "We attach no value to the recommendation of our colleagues providing for safeguards in order to ensure a reconsideration of the position, because we know from the history of such matters, how wholly ineffective they are in practice. Our colleagues have limited the operation of the so-called safeguards until the new Constitution comes into force, on the assumption that the next Government of India Act will provide for a Government responsible to the Legislature. No one yet knows what the new Constitution will really be like."

#### Gour—Ranga Aiyar Note

Sir H. S. Gour and Mr. C. S. Ranga Aiyar, in a supplementary note to the report of the Ottawa Committee say that the material made available to them leave them in doubt as to whether the Agreement would in the end be conducive to the advantage of India. In this state of mind, two courses readily occurred, namely, ratification or rejection but, proceeds the note, a third course is more preferable. This is to accord consent provisionally to the Agreement for a short period of three years, at the end of which the Government should place before the Assembly the result of the experience gained and the facts collected regarding its operations, and it should give the Assembly a decisive voice upon the question whether the Agreement should be continued. Meanwhile, an effective machinery should be set on foot to examine the trend of the Agreement upon the agriculture, commerce and trade of India, upon data supplied by the Government in their annual return, with power to examine representatives of the interests affected. This Committee was to make a periodical report to the House to enable it to form its judgment upon the utility or otherwise of the said Agreement. The witnesses examined have candidly admitted the lack of facts. The middle course taken escapes the Scylla of unconditional acceptance, and the Charybdis of total rejection.

The note concludes : "We are not unmindful of the uncompromising hostility to any treaty with a country which has denied to India her just claim to Self-Government or with Dominions which have denied to Indian nationals their elementary rights of common citizenship, but these are political considerations which, in our view, should not be permitted to warp on the decision on a trade agreement. On the other hand, we hope that a friendly gesture at the present juncture may, in the end, prove a happy augury of better feelings towards our country and towards our countrymen in the Dominions overseas, by assuring them that India can, even in a state of great domestic ferment, make a decision, which the verdict of time will endorse as made in the best interests of India."

#### MR. RANGA AIYAR'S EXPLANATORY NOTE

Mr. C. S. Ranga Aiyar, in a separate explanatory note from that of Sir H. S. Gour, says that he attaches real importance to the Committee of the Assembly which is to watch the working of the Agreement. He regards this as a triumph for the Assembly ; for if the working of the Agreement was found to be against the interests of India, the Assembly would be armed with adequate evidence to enable the Government to give six months' notice denouncing the Agreement. That right of six months' notice to denounce has not been taken away by ratification for a period of three years. If the Constitution is to be changed, this Assembly's successor will have enough material to decide as to whether the Agreement should be continued or denounced.

# The Tories' Blackpool Conference

## SIR SAMUEL HOARE'S STATEMENT

A stirring appeal to "trust the Government" was made by *Sir Samuel Hoare* at the Conservative Conference at Blackpool on the 6th. October, followed by the endorsement of the Government's Indian constitutional programme of "an honest attempt to create an All-India Federation based upon Provincial Autonomy and safeguards." The Conference discussed the resolution of West Essex, Mr. Churchill's constituency which congratulated the Government on the restoration of Law and Order in India and recognised the desirability of further extension of self-governing powers when warranted, but opined that the attempt to force upon India a responsible all-India Government based on an electorate of 36 millions consisting mainly of primitive and illiterate people, would not conduce to the welfare of India, and the British Empire.

Speakers who supported the resolution, including Lord Lloyd, met with a favourable reception, but after Sir S. Hoare's speech, the conference adopted by a majority a drastic amendment moved by *Mr. Kirk Patrick*, M. P. which deleted the words after "powers" and substituted "and rejoices that the procedure suggested by the Government for introducing the constitutional reforms affords a free and full opportunity for consideration of all viewpoints, British and Indian, before the Bill is introduced in Parliament."

The amended resolution was carried by a large majority.

*Sir Alfred Knor*, seconding the West Essex resolution, declared that Britain was always taking the line of least resistance for peace.

Opposition to Government's policy was manifested when *Mr. Godfrey Nicholson*, Member of Parliament, opposing the resolution asked if the Conference was to inflict a snub on the Government and was answered with cries of "Yes, if necessary."

*Lord Lloyd*, uttering a note of gravest warning, said that it was no excuse to fall back on the old adage that good Government was no substitute for self-Government, which did not apply to India, for real self-Government was impossible in any country where the main mass of voters was illiterate. Urging the Conference to enjoin upon the Government the need for the greatest prudence and precaution, Lord Lloyd said that the only thing to which Britain was committed was the Montagu-Chelmsford Reforms.

*Sir Samuel Hoare* followed with an appeal to the Conference to remember Government's record and give it credit for realising the obvious difficulties and facing facts. The Indian Constitutional question, he said, was one of the most difficult ever faced by the British Government. The problem was rendered most difficult by the differences of opinion between Indians themselves.

Sir Samuel referred in this connection to the fact that the British Government had to give the communal decision which he claimed had been accepted everywhere as an honest attempt to arrive at a just award. He referred also to the formidable difficulty of the curse of terrorism which Government was determined to crush and for which it was ready to give the Governor of Bengal the fullest powers.

Sir S. Hoare proceeded to say that he believed that it would be generally agreed that the Indian situation had immensely improved in the past year and for this he paid a high tribute to the men on the spot and particularly to the Viceroy and the Provincial Governors.

Sir S. Hoare gave instances as outward signs of great improvements the enhancement of India's credit and the fact that Civil Disobedience was at a lower ebb than ever.

### PRINCES AND FEDERATION

Sir Samuel Hoare proceeded to point out that a new feature was introduced into the situation by the readiness of the Princes to enter an All-India Federation on certain conditions. He said that these conditions would be investigated in the autumn and hoped that at the end of the year he would know for certain whether they were likely to be fulfilled.

"Meanwhile, I ask you to trust the Government. Our programme, in one sentence, is an honest attempt to create an All-India Federation based upon Provincial Autonomy and safe-guards which are equally necessary for India and for ourselves for the fulfilment of obligations that have grown up in the long partnership between Britain and India. It is altogether unnecessary and premature to try and tie the hands of the Government by vetoes and specific instructions."

Sir S. Hoare continued, "The Government's programme, in letter and in spirit, is for an Indian constitution within the British Empire and a great majority of the Indians are behind us. Within no other frame-work are we prepared to make an advance."

Sir S. Hoare concluded by appealing again to the Conference to trust the Government. "I believe with the National Government, which is none the less national for the recent defections, and with the great majority of sensible and patriotic members of Parliament behind it, we have a unique opportunity for dealing with the great Imperial question in a broad and wise way and for improving for generations the relations between Britain and India, indeed between West and East."

The Conference also adopted a resolution opining that the constitution must embody real safeguards and must condition that India will remain in the British Empire.

## Indians In South Africa

### ANNUAL REPORT FOR 1931

The annual report of the Agent of the Government of India in South Africa for the year 1931 was released for publication from Simla on the 30th. August 1932. It stated that at the opening of the year the whole Indian community was in fear of the passing of the Transvaal Asiatic Tenure Amendment Bill, but the Union Government courteously agreed to postpone it until January to suit the convenience of the Government of India. The Cape Town Conference with the Government of India was followed by somewhat desultory agitation in the press about forming an anti-Indian society in Natal on the lines of the South African League. The attempt, however, failed. Some anti-Asiatic meetings demanded extension to Natal of the Transvaal laws debarring the Asiatics from acquiring ownership of land and passing legislation to prevent their acquiring new licenses. It cannot be said that the arrival of the Indian delegation provoked any general outbursts of anti-Asiatic feelings, but on the other hand it was generally welcomed. In February the introduction of the Immigrant Amendment Bill by Dr. Malan aroused grave alarm among the South African and specially Transvaal Indians, but the bill does not appear to affect the Natal and Cape Indians nor would it affect the Transvaal Indians who retained their domicile provided that they do not in future remain outside for more than three years. It is hoped that the number of such persons is a small one.

An important measure of the session was the passing of the new franchise bill to provide for adult male suffrage for Europeans throughout the Union. Indians joined in the general protest of Cape non-Europeans against the bill which however left the Government unmoved. A great stir was caused throughout South Africa by the 'Gentleman's Agreement' between the Japanese Government and the Union concluded before the 1931 session. The agreement allows for entry into the Union on a temporary permit of Japanese recommended by the Japanese consul. In one way this agreement may be said to have benefitted the Indian cause since it has made it appear an inconsistency that the Japanese are allowed to enter the Union in a manner which is forbidden to Indians.

The Pretoria City Council drew up new rules for the Pretoria Asiatic bazar which alarmed the Indians, the reason being that instead of giving them freehold they tendered their tenure even more precarious and gave a greater degree of control to the superintendent over the daily lives and actions of the residents in the bazar.

The agent had an interview on this subject with the city council which led to a revision of the rules to meet the Indian wishes. Towards the close of the Parliamentary session the Transvaal Provincial Council passed the Licenses Control Ordinance. The new Act appears to be an attempt to give the Transvaal municipalities as complete a control over the issue of licenses as possible. The agent approached Dr. Malan on the subject of the ordinance and pointed out the serious results that would follow for the Indians if it should become law. He suggested that the Governor in Council might be moved to exercise his powers to reserve the ordinance for further consideration until the conference should be completed. The ordinance has not yet become law.

During this year the report of the Durban Borough Boundaries Commission was published. It recommended the inclusion within the borough of six health board areas adjoining the Durban. The Indians favoured the incorporation as in the area to be included within the borough are 49,000 Asiatics as compared with 19,000 Europeans. The land and buildings of these Asiatics will now for the first time be assessed to municipal rates. The agent asked that either Indians should be given a chance to elect a member of the valuation appeal board or the administrator should nominate a member to represent the Indian interests. Unfortunately, the select committee did not see its way to give effect to the agent's demands.

Speaking about assisted immigration the report says that during the first ten months of the year the number of persons availing themselves of the scheme continued low, but during the last two months there was a remarkable increase, the main reason being acute unemployment. 1707 persons proceeded to Madras and Calcutta, 1307 going during the last six months.

During the year some attempt was made to clear the situation in regard to £50,000 earmarked for Indian housing in accordance with the 1927 Cape Town Agreement.

## Indians in British Malaya

### ANNUAL REPORT FOR 1931

The annual report of the Agent to the Government of India in British Malaya for the year 1931 was released for publication on the 26th. August. It stated :—

The year was perhaps the blackest on record so far as industrial conditions are concerned. Activities in all walks of life were greatly crippled as a result of economic depression which still continues in all its severity. In 1931 Indians formed 14.2 per cent of the total population, about 70 per cent of whom might be considered as labourers employed in rubber estates, in mines, railways, public work departments, municipalities. The rest are engaged in trade and learned professions. The suspension of recruitment of Indian labourers ordered by the Indian Immigration Committee in Aug. 1931 under slump in tin and rubber continued throughout the year. The heavy exodus of Indian immigrants and others commenced in Aug. 1931 owing to unemployment and unwillingness of labourers to work on reduced wages. Several Government departments temporarily reduced wage rates with effect from Jan. 1, 1931 and Indian labourers loath to work on reduced wages have been and are being repatriated to India.

There was a slight decrease in the cost of living during the year under report. The amount of Savings Bank deposits and money order remittances decreased and the co-operative movement made rather slow but steady progress. Co-operative societies are very popular amongst Indian labourers and indebtedness is not very apparent. There was a general decrease in the number of toddy shops and the hours of sale of toddy have been restricted by a Government notification. The profits made from the estate toddy shops are to be realised for the welfare of the labourers. There was a general decrease in the number of deaths. The health board for co-ordinating the work of prevention and treatment of diseases in estates functioned during the year, though the progress of their scheme was handicapped

by the slump. There were fewer fatal accidents and cases of suicide among Indians. The Workmen's Compensation Enactment passed in Federated Malay States in 1929 has not been given effect to pending the passing of a similar ordinance in the Straits Settlement. With regard to education the inefficiency of teachers employed in most estates' vernacular schools has been drawn attention to several times previously and it is hoped that with the revival of trade conditions, efforts will be made to improve the efficiency of teachers employed during the year. The controller of labour circularised the planters on the need for an allotment of lands at 1-16 of an acre per labourer per labour code more freely than hitherto with a view to encourage the cultivation of food stuffs and supplementing their meagre earnings. With regard to religious and social matters the report states that temples are maintained on well-conducted estates from the contribution paid by labourers. Fire-walking ceremonies conducted in the name of religion are dying out.

With regard to political status the Indians have in common with other communities no political or municipal franchise. There is also one Indian member on each of the reconstituted state councils of Perak Selangor and Negri Sembilan in the Federated Malay States. In Aug. 1931, His Excellency the High Commissioner adumbrated a policy of decentralisation in the F. M. S. This has slowly awakened the political consciousness of the educated Malays and aroused a parochial cry of 'Malaya for Malays' from a small section thereof. It is to be hoped that in fairness and justice to the domiciled Asiatic communities inhabiting F. M. S. due provision will be made in the reforms to be introduced to meet the legitimate and reasonable rights and aspirations of the Indian community.

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# THE THIRD SESSION OF THE Indian Round Table Conference

LONDON—17th. NOVEMBER TO 24th. DECEMBER 1932

## Introductory Note

1. The Prime Minister, in opening the third session of the Round Table Conference on the 17th November, 1932, explained that its object was to supplement the work so far accomplished at the Round Table Conference, by filling in, in some detail, the more important gaps left by the discussions at the two previous sessions.

2. The Conference adopted the following Agenda:—

A.—REPORT OF THE INDIAN FRANCHISE COMMITTEE—METHOD OF ELECTION TO AND SIZE OF THE TWO FEDERAL CHAMBERS.

B.—RELATIONS BETWEEN THE FEDERAL CENTRE AND THE UNITS—

(a) Legislative

(b) Administrative

C.—SPECIAL POWERS AND RESPONSIBILITIES OF THE GOVERNOR-GENERAL AND GOVERNORS.

D.—FINANCIAL SAFEGUARDS.

COMMERCIAL SAFEGUARDS

E.—DEFENCE (FINANCE AND CONNECTED QUESTIONS).

F.—REPORTS OF THE FEDERAL FINANCE COMMITTEE  
AND INDIAN STATES INQUIRY COMMITTEE  
(FINANCIAL)—FEDERAL FINANCE

G. { "CONSTITUENT POWERS" AND POWERS OF INDIAN  
& { LEGISLATURES vis-a-vis PARLIAMENT

H. { FUNDAMENTAL RIGHTS

I.—FORM OF STATES INSTRUMENTS OF ACCESSION

The following subjects were considered, in addition:—

ANGLO-INDIAN EDUCATION,

SUPREME COURT

3. Subjects A, B (b), C, E, G and H, and the subject of the Supreme Court, were discussed in full Conference. Towards the close of the Conference reports recording in summary form the effect of the discussion on each of these subjects were prepared by the Secretariat and laid before the conference.

4. Subjects B (a), D and F were remitted by the Conference after a short general discussion, for examination by Committees. Subject I was considered by a limited number of delegates. Anglo-Indian Education was also considered by a Committee.

The reports of these Committees are followed by a brief summary of the more important points raised in the Conference when it received and dated each report.

5. The Conference closed with a general discussion, ending on 24th December, 1932.

## LIST OF DELEGATES

### BRITISH REPRESENTATIVES

THE RIGHT HON. J. RAMBAY MACDONALD, M. P. (*Chairman of the Conference*).  
THE RIGHT HON. VISCOUNT SANKEY, G. B. E. (*Deputy Chairman*), THE RIGHT HON.  
SIR SAMUEL HOARE, BART, G. B. E., C. M. G., M. P., THE RIGHT HON. VISCOUNT  
HAILSHAM, THE RIGHT HON. SIR JOHN SIMON, G. C. S. I., K. C. V. O., O. B. E., K. C.,  
M. P., THE RIGHT HON. LORD IRWIN, K. G., G. C. S. I., G. C. I. E., THE RIGHT HON.  
J. C. C. DAVIDSON, C. M., C. B., M. P., MR. R. A. BUTLER, M. P.

THE RIGHT HON. EARL PEEL, G. C. S. I., G. B. E., THE RIGHT HON. EARL  
WINTERTON, M. P., THE MOST HON. THE MARQUESS OF READING, G. C. B., G. C. S. I.,  
G. C. I. E., G. C. V. O., THE MOST HON. THE MARQUESS OF LOTHIAN, C. H.

### INDIAN STATES' REPRESENTATIVES

RAJA OF SARILA (SMALL STATES), RAI BAHADUR RAJA OUDH NARAIN BISARIA  
(BHOPL), RAO BAHADUR KRISHNAMA CHARI, C. I. E. (BARODA), NAWAB LIAQAT  
HYAT-KHAN (PATIALA), MR. WAJAHAT HUSSAIN, I. C. S. (KASMER), NAWAB SIR  
MUHAMMAD AKBAR HYDARI (HYDERABAD AND REWA), SIR MIRZA M. ISMAIL,  
C. I. E., O. B. E. (MYSORE), SIR MANUBHAI N. MEHTA, C. S. I. (BIKANER)

RAO BAHADUR PANDIT SIR SUKHDRO PRASAD, C.I.E., O.B.E. (UDAIPUR, JAIPUR AND JODHPUR). RAO SAHIB D. A. SURVE (KOLKATAPUR). MR. L. F. RUSHBROOK WILLIAMS, C.B.E. (NAWANAGAR). THE CHIEF OF JATH.

#### BRITISH INDIAN REPRESENTATIVES

HIS HIGHNESS THE AGA KHAN, G.C.S.I., G.C.I.E., G.C.V.O. DR. B. R. AMBEDKAR. SIR HUBERT CARR. PANDIT NANAK CHAND. MR. A. H. GHUZHAYL. LIEUTENANT-COLONEL SIR HENRY GIDNEY, I.M.S. (RETIRED). KHAN BAHADUR HAFIZ Hidayat Husain. SIR MUHAMMAD IQBAL. MR. M. R. JAYAKAR. SIR COWASI JEHANGIR, K.C.I.E., O.B.E. MR. N. M. JOSHI, MR. N. C. KULKAR, RAJA OF KHALSI COTE, DIWAN BAHADUR RAMASWAMI MUDALIYAR, BEGUM SHAH NAWAZ, RAO BAHADUR SIR A. P. PATRO, SIR TEJ BAHADUR RAJPU, K. S. C. I. MR. SHAFAT AHMAD KHAN, BARDAR TARA SINGA, SIR NRIPEENDRA NATH SIKKAR, SIR PURSHOTAMDAS THAKURDAS C.I.E.M.B.E., MR. ZAFARULLA KHAN.

### HEAD A—REPORT OF THE INDIAN FRANCHISE COMMITTEE

#### Method of Election to and size of the two Federal Chambers:

The Franchise Sub-Committee of the First Round Table Conference recommended the establishment of an expert body to investigate the question of the Franchise, and a Franchise Committee, under the Chairmanship of the Marquess of Lothian, was subsequently appointed by His Majesty's Government and reported in June, 1932. The Report of that Committee was before the Conference in its present session.

#### I.—PROVINCIAL LEGISLATURES—METHOD OF ELECTION

The principal methods of election to the Provincial Legislatures examined in the Report of the Franchise Committee were:—

- (a) Adult suffrage;
- (b) Adult suffrage by system of indirect voting;
- (c) Such modifications of adult suffrage as the grant of adult suffrage within certain age limits; adult suffrage for large towns; household suffrage; indirect election through local bodies;
- (d) The combination of the direct and indirect systems of franchise; and, finally,
- (e) The extension of the direct vote.

The Committee, after exhaustive examination, pronounced in favour of the acceptance of the extension of the Franchise by the direct method, and after considerable discussion, in the course of which close attention was paid to the practicability and desirability of a system based on adult suffrage and to methods of indirect election, the general sense of the Conference proved definitely to favour acceptance of the Franchise Committee's proposals.

#### BASIS OF THE PROVINCIAL FRANCHISE

The Conference agreed, with one dissent,\* that the essential basis of the franchise should be the property qualifications proposed by the Indian Franchise Committee in their Report, subject to such modifications of detail as might prove necessary.†‡

\* Mr. Joshi considered that, if it was impossible to secure adoption of a wider basis for the franchise than that proposed, provision should be made for automatic periodical extensions.

† Sir Henry Gidney drew attention to the fact that property qualifications alone would disfranchise a large proportion of Anglo-Indians and that the proposed educational qualification was a very important one from the point of view of the Anglo-Indian community.

‡ Pandit Nanak Chaud stressed the importance of reducing the disparity in voting strength as between the agricultural and non-agricultural tribes in the Punjab, to which detailed reference has been made in paragraph 170 of the Report of the Franchise Committee.

The Conference carefully considered the proposals of the Franchise Committee for an educational qualification. Some members were strongly in favour of its acceptance, mainly on the ground that education was a proper basis for the franchise and that unless there was an educational qualification, an important section well capable of exercising the vote would be disfranchised. Others welcomed the proposal, which they regarded as attractive; but attention was drawn first to the inadequacy of the evidence as to the numbers (possibly very small) which would be added to the electoral roll by the adoption of such a qualification and secondly, to the serious practical difficulties involved not only in its application but in the question of the standard to be adopted. An important section of opinion was, moreover, not in favour of the proposal. The general sense of the Conference was that further detailed examination would be required before any general educational qualification for the franchise could be adopted.

#### THE WOMEN'S FRANCHISE.

The Conference was unanimously in favour of accepting the proposals of the Franchise Committee that women should be enfranchised in respect of the same property qualification as that prescribed for men.

The Franchise Committee had further recommended the adoption in the case of women of a specially low educational qualification, viz., mere literacy. Some difference of opinion manifested itself on this subject. Certain members of the Conference were of opinion that "mere literacy" was too low a standard and that it would be preferable to substitute for it the upper primary standard. Attention was, however, drawn to the fact that the application of the upper primary standard would very substantially reduce the number of women likely to be enfranchised on the basis of an educational qualification, and the general feeling appeared to favour the adoption of the literacy in preference to the upper primary qualification. An important section of opinion in the Conference urged, however, that if any special educational qualification were adopted at all, it should be the same for women as for men.

A very general difference of opinion was felt as regards the proposal of the Franchise Committee that, subject to certain qualifications, the wives and widows over 21 of men qualified by property to vote for the existing provincial councils be enfranchised.

The objections taken to this proposal, which was recommended by the Franchise Committee as the only practical method of securing an adequate proportion of women on the electoral roll, were, *inter alia*, that it would enfranchise a large number of illiterate women; that women would as a rule vote in the same way as their husbands; and that its adoption might give rise to domestic and religious difficulties. The general opinion of the Conference was that the proposal was one which required further examination.

Considerable support was forthcoming for a suggestion that it might be possible to deal with the problem of enfranchising an adequate number of women by giving to the various Provinces some latitude to propose a method of enfranchisement of women in the light of local conditions, subject to a general injunction to aim at much the same ratio of men to women voters as had been recommended by the Franchise Committee—i.e.,  $4\frac{1}{4}$  to 1—a ratio which the Conference as a whole was disposed to regard as not unsuitable.

Reference should be made in this connection to a suggestion put forward that, with a view to reducing the strain on the administrative machine, the registration of all voters qualified in respect of education, and of women enfranchised in right of their husbands, should be on application by the potential voter only.

#### DEPRESSED CLASSES

The Conference was of opinion that a special provision should be made to enfranchise a larger number of voters belonging to the Depressed Classes and that the standard to be aimed at should, as proposed by the Franchise Committee, be 10 per cent of the Depressed Class population in each Province, such of the differential qualifications suggested by the Franchise Committee being adopted as might be necessary to secure this result in the light of the varying conditions in each Province.

It was agreed that the existing *military service* qualification should be maintained. One member of the Conference urged the desirability of extending the



franchise to cover all members of the Territorial and Auxiliary Forces, and it was agreed that this point should be examined.

#### SPECIAL REPRESENTATION FOR COMMERCE IN PROVINCIAL LEGISLATURES

Certain Delegates urged that the recommendations of the Indian Franchise Committee in regard to special electorates for Commerce resulted in grave inequality of representation as between Indian and European Commerce in several Provinces. It was pointed out on behalf of His Majesty's Government that examination of this question inevitably involved a reopening of the Communal decision. The matter was not further discussed, but certain Indian Delegates placed on record their objection to any connection of the question of commercial representation with the communal issue.

### II.—THE FEDERAL LEGISLATURE—THE FEDERAL ASSEMBLY

The Federal Structure Committee in paragraph 19 of their Third Report expressed the opinion that the selection of the British Indian representatives for the Lower Chamber of the Federal Assembly should be by direct election. This recommendation was supported by the Indian Franchise Committee. Considerable discussion took place in the Conference as to the relative merits of the direct as opposed to the indirect method of election. It was pointed out on behalf of His Majesty's Government that if direct election was regarded as inevitable, this should not be allowed to prejudice the question of the size of the federal legislature. The general sense of the Conference, in the light of the discussion, was that the balance of advantage lay with the election of the British Indian representatives in the Lower Chamber by the direct method.

#### FRANCHISE QUALIFICATIONS FOR THE BRITISH INDIAN ELECTORATE

The Conference after full consideration of the various alternatives open, and in particular of a suggestion made by one member that a wage-earning qualification should be introduced, accepted generally the proposal of the Franchise Committee that the franchise for the British Indian section of the future Federal Assembly shall be the existing Franchise for the provincial legislative councils, except in the case of the Central Provinces; in which it would be a franchise which would bring in double the existing electorate for the Provincial Council.

#### EDUCATIONAL QUALIFICATION

As regards the educational qualification proposed by the Franchise Committee, opinion in the Conference generally was strongly in favour of adoption as an educational qualification for men of the possession of the Matriculation or school-leaving certificate. An important section of opinion was, however, opposed to this proposal for the same reasons as in the case of the Provincial Legislatures.

The Conference were unable to agree as regards the adoption of an educational qualification for women voters for the Federal Assembly, the same arguments as were advanced for and against the proposal in the case of the provincial legislatures holding good, in their view, here also.

#### DEPRESSED CLASSES

The Franchise Committee stated that they were advised by the Census Commissioner that the addition to the qualifications prescribed for the general electorate for the new Federal Assembly of a qualification of mere literacy would result in the case of the Depressed Classes in an electorate of approximately 2 per cent of their total population. In these circumstances they recommended the adoption of such a differential qualification. The Conference agreed to their proposals.

#### SPECIAL REPRESENTATION.—Women

With the reservation that the communal proportions should not thereby be disturbed, the Conference as a whole accepted the proposals of the Indian Franchise Committee for the special reservation of seats for women, to be filled by the election of one woman by each provincial legislative Council. The women's representative in the Conference was however in favour of direct election by a special women's constituency in each province.

#### Labour

The proposals of the Franchise Committee for special representation of Labour by the reservation of 8 seats in the Federal Assembly were accepted by the Conference. In some quarters it was felt that the number of seats proposed was

inadequate, but it was pointed out that Labour would obtain additional representation through the Depressed Class seats in the general constituencies. It was suggested that the point might be further investigated in connection with the delimitation of constituencies.

The Moslem delegation in this connection recorded their anxiety that the number of special seats should be kept at a minimum.

#### *Commerce and Industry*

The general sense of the Conference was in favour of the acceptance of the Franchise Committee's proposal that the representation of Commerce should be concentrated in the Assembly, and that four seats should be allocated to Indian and four to European commerce. The view was, however, expressed by some Indian delegates that those recommendations did not provide adequately for the needs of Indian commerce. They did not think that Indian commerce should be forced into the position of having to secure additional representation by seeking to influence the results of elections in the non-special constituencies, and they took exception to the connection of commercial representation with the communal question.

The representative of the European community stated that European commerce would not be satisfied with a smaller number of seats than that proposed by the Franchise Committee which represented the minimum with which they could hope to be able adequately to voice their views.

The Conference gave a sympathetic reception to a claim put forward for the retention of the seat at present filled in rotation by the Millowners Association of Bombay and Ahmedabad, although the point was made that the grant of such special representation would make it difficult to resist claims from other industries similarly situated. Reference was also made to the importance of securing adequate representation for up country industrial interests, and to the difficulties which might arise under the proposals of the Franchise Committee in providing for this.

#### *Landlords*

The Franchise Committee were in favour of retention of special representation for landlords, but in its existing strength, and their view on this subject, was accepted by the Conference.

#### FEDERAL UPPER HOUSE

The Federal Structure Committee of the Round Table Conference recommended that the British Indian section of the Federal Upper House in the new Constitution should be elected by the provincial legislative councils by the single transferrable vote. This recommendation was supported by the Indian Franchise Committee and was accepted by the Conference, but Muslim Delegates reserved their judgment as regards the use of the single transferrable vote until they knew what result the application of that system would have on the communal proportions in the whole House. Attention was also drawn to the importance of safeguarding the interests of the small minorities. It was generally agreed that there should be representation of special interests as such in the Upper Chamber.

#### III.—SIZE OF FEDERAL LEGISLATURE

A marked difference of opinion manifested itself on this subject in the Conference. There was substantial general agreement that some weightage should be accorded to the States; the proportions of seats to be filled by representatives of the Indian States previously proposed, viz., 33½ per cent in the Lower and 40 per cent in the Upper Chamber still held the field, though the apprehension of the States lest by federating they would lose their individuality was mentioned as a ground for increasing their proportion in the Upper House to one of equality with British India. One of the States' representatives urged that at least 125 seats in the Upper House should be allotted to the States, and 36 per cent of the seats secured to them in a joint session of both Houses. Provided this number of seats in the Upper House and this percentage in a joint session was secured, there would be no objection in his view to a lower percentage than 33½ in the Lower House.

Muslim delegates and one or two others were opposed to the principle of weightage for the States in the legislature; the Muslim Delegates considered that if it was found inevitable to concede some weightage the quota of Muslim representation should be safeguarded so that the number of their seats from British India

should not be less than they would have secured if the States enjoyed no weight-age over population ratio.

Certain delegates urged the advantages of a large Lower House on the ground of the resultant reduction in the size of constituencies, the consequent lessening of expense to candidates, and the increased ease with which representation could be secured for the smaller States. A considerable section of the Conference supported the figure of 450 proposed by the Franchise Committee.

It was pointed out, on the other hand, that the Federal Legislature would have limited functions, for the discharge of which so large a Lower House as was recommended in the Lothian Report would not be necessary, and some delegates thought 300 would suffice. It was also pointed out that whatever decision was finally reached as to the size of the two Houses, grouping of the smaller States would be inevitable.

An alternative suggestion was put forward regarding the Upper House, namely that while the Lower House would fully reflect the popular element, the Upper House, as the peculiarly Federal organ of the Constitution, should provide for the representation of the constituent units as such. According to this proposal the Upper House would be limited to some 60 delegates of the Governments of the units and of the Federal Government.

No final decision proved possible in the Conference on this question. A suggestion made on behalf of His Majesty's Government, who intimated that general agreement on the subject between Indian delegates would carry great weight with them, that consideration should be postponed with a view to informal consultations between the Indian delegates in the hope of reaching a greater measure of agreement between the conflicting views expressed, was accepted by the Conference. No modification of view has been reported as having resulted from such discussions as have taken place.

#### HEAD B (a).

##### Legislative Relations between the Federal Centre and the Units

##### REPORT OF COMMITTEE ON THE DISTRIBUTION OF LEGISLATIVE POWERS

The Committee was appointed—

"(i) To test the general principles discussed under Head B (a) by applying them to the list of subjects suggested by the Federal Structure Committee in the Appendix to its Second Report.

(ii) To re-examine in the light of the general discussion of principles the definition of those subjects and the effects of the recommendations made by the Federal Structure Committee in respect of them; and to make suggestions," and was constituted as follows:—

Lord Sankey (Chairman). Sir Samuel Hoare. Mr. Butler. Lord Reading. Sir Akbar Hydari. Sir Manubhai Mehta. Sir A. P. Patro. Sir Tej Bahadur Sapru. Sir Nripendra Nath Sircar. Mr. Zafrulla Khan.

The Committee found it convenient to deal first with the second head of their Terms of Reference and accordingly addressed themselves at the outset to an examination of the definition of the subjects provisionally allocated between the Centre and the Provinces by the Appendices to the Second Report of the Federal Structure Committee and to the further proposals made in the same connection by the Consultative Committee. Their deliberations on this matter satisfied them that the statutory delimitation of the spheres of competence of the Federal and Provincial Legislatures, which the conceptions of provincial autonomy and federation inevitably involve, will necessitate, whatever method of delimitation of each subject than was required for the purposes of the Schedules to the existing Devolution Rules upon which the Federal Structure Committee's lists were based. They are further satisfied that neither the Committee nor the Conference are competent to undertake this in the time at their disposal. The Committee hopes therefore, that His Majesty's Government will lose no time in beginning with expert assistance this laborious but important task.

2. In the course of their examination of this matter it was brought to the notice of the Committee by representatives of the States that in respect of some at all events of the subjects which had been classified by the Federal Structure Committee as "federal for policy and legislation" the States had not at the time intended to agree to the possession by the Federal Legislature of plenary powers of legislation in the States: in other words they intend to cede to the Crown in respect of each of these subjects a field of legislative jurisdiction to be specified in the Act or Treaty

and to retain the remainder themselves. The Committee are not in possession of full details, but, as an example, they observe that, in the case of the Federal subject of railways, the exponents of this view suggested that so far as its operation in the States is concerned, the scope of Federal legislation might have to be confined to matters connected with safety, maximum and minimum rates and the interchangeability of traffic, that outside this limited range, the individual States' Governments should have independent and exclusive jurisdiction and that for securing compliance with its desires in railway matters not covered by the above heads the Federal Government should rely upon negotiation and agreement. Acceptance of this arrangement appears to involve, as a necessary consequence, variations of competence in relation to the States and the Provinces respectively, of the Federal Legislature.

3. Turning to the first Head of their Terms of Reference, the Committee endeavoured to assess in the light that had been thrown upon it by their detailed examination of subjects, the general requirements of a workable general plan of distribution of powers. They suggest to the Conference that any such plan must necessarily involve, as the first desideratum, a carefully drawn list of subjects upon which the Federal Legislature is to possess exclusive legislative powers. Two alternative methods present themselves of distinguishing between those of the 'exclusive' subjects which are to be Federal and those which are to be British Indian. The first method would be so to classify them in the Act itself (or in a Schedule attached to the Act) as to make a statutory distinction between Federal and British Indian subjects. The second method would be to enumerate them all in the Act as matters on which the Federal Legislature has exclusive jurisdiction leaving it to the States in their acceding Instruments to specify those of them which, in the States, are to be outside the range of Federal competence. The Committee recommend the adoption of the second alternative, but they agree with the view of States' representatives that even so it would be advantageous that the list should be divided into two Parts of which Part I would include only those subjects in respect of which, generally speaking, the States may be expected to cede the necessary jurisdiction for the purpose of constituting them Federal subjects. Such a sub-division would greatly facilitate the drafting of the States' Instruments of Accession. The second alternative would also have the advantage that it would afford an easy means, either to the States generally, or to individual States in course of time, if they should so desire, to accept as operative in the States legislation upon subjects which by their original Treaty had been excepted.

4. The field of exclusive jurisdiction to be assigned to the Provinces would or would not require detailed definition by a similar schedule of subjects, according as it is decided that "residual powers" are to be assigned to the Centre or to the Provinces. In the latter event there would be no need to enumerate the Provincial subjects; they could be defined as all matters other than those assigned to the Centre. The advantages which would follow from the existence of only one list are very great, and the Committee do not disguise from themselves the risks which must attend the existence of two lists each within the exclusive competence of a particular legislature and neither containing "residuary powers". A law passed by one legislature must then fulfil two conditions before it is valid: not only must its subject-matter fall within the competence of that legislature, but every part of the law must also be demonstrably excluded from the competence of the other. The risk of litigation on questions of ultra vires must in that case be greatly increased. But since there was disagreement as to the allocation of "residual powers" exclusively to the Centre or to the Provinces, the sub-Committee assume, for the purpose of this report, the existence of an exclusively Provincial list.

5. The Committee are satisfied that it is not humanly possible so to define and separate all subjects of potential legislation as to secure that every conceivable subject will fall within the exclusive jurisdiction of either the Centre or of the Provinces. Moreover, even if this were possible the allocation of every subject to the exclusive jurisdiction of either Centre and Provinces would seem to involve the loss of uniformity in directions where uniformity is desirable, or else an undue curtailment of flexibility and of combination of both disadvantages. Provincial initiative,—or, more probably, a The Committee therefore, consider that practical requirements will in any event necessitate a field in which both Centre and Provinces should have legislative jurisdiction. The Committee consider that the problem could be dealt with with sufficient precision by constituting a common

field to which would be assigned matters upon which uniformity of law is or may be desirable and by assigning to both Centre and Provinces the power, but not the exclusive power, to legislate upon any subject included in it; but some method must at the same time be devised whereby administrative powers and functions which properly belong to the Provinces in respect of these subjects are secured exclusively to them.

6. The existence of concurrent powers will necessitate provisions for resolving a conflict of laws in any Province to which a Central Act regulating a "concurrent" subject is in force alongside a Provincial Act which is repugnant to it. The sub-Committee suggest that the general rule in this matter must necessarily be that in that case the Central Act will prevail. But such a rule, if unqualified, would obviously tend in theory at all events to enable the Centre in course of time to usurp the whole concurrent field. The Committee therefore suggest that if a Provincial Act relating to any matter in the concurrent field is reserved for, and receives the Governor-General's assent, it shall prevail in the Province over any Central Act to which it is repugnant. This rule itself will, however, require some qualification: otherwise it might operate to enable the Governor-General permanently to curtail the concurrent jurisdiction of the Federal Legislature. It should therefore be provided that the validity of a Provincial Act in the circumstances indicated shall be without prejudice to the power of the Federal Legislature to legislate subsequently in a contrary sense, but that the exercise of this power shall be subject to the previous assent of the Governor-General.

7. As regards the allocation of "residual powers"—i. e., the right to legislate on matters not included in any of the three lists—the Committee would hope that if the lists are drawn in sufficient detail, the undefined or unforeseen residue will not prove to be extensive. But such cases will inevitably arise and suitable provision might be made whereby the Governor-General would be given power to decide in any given case which was the appropriate forum for legislation on an unallocated subject and whether a measure relating to that subject should be introduced in the Federal or Provincial Legislature. This suggestion found favour with some members of the Committee, as a compromise between the divided opinions on the ultimate allocation exclusively to Centre or Provinces of residuary powers, but was not acceptable to others. In these circumstances the Committee regret that they are unable to make any definite recommendation on this subject.

8. The attention of the committee was drawn to the desirability of including in the Act some provision enabling the Federal Legislature at the request and with the consent of two or more Provinces to enact for those Provinces alone legislation which would not otherwise be within its competence. The Committee agree that provision should be made for this purpose provided that the position of the Provinces is safeguarded by ensuring that such legislation should not result in withdrawing permanently any subject from the legislative competence of the provincial legislatures, and that the Federal Law keeps strictly within the authority conferred on the Federal Legislature by the terms of the request.

9. The Committee wish to add that it will, in their opinion, be necessary also to deal with the competence of the Federal and Provincial legislatures respectively to repeal or amend existing legislation. In the time at their disposal they have not been able to suggest a suitable machinery for this purpose, but the matter is one of great practical importance and they commend it for examination by His Majesty's Government.

The Conference noted the report of the Committee on the Distribution of Legislative Powers after the following points had been raised:—

(1) *Mr. Joshi* complained that no progress had been made by the Committee. After the subject had been discussed for two years this sub-Committee suggested a further examination, without even indicating what kind of examination was in view.

(2) *Mr. Zafrulla Khan* urged, with reference to item 6 of the Schedule of 'Provincial Subjects, subject to legislation by the Indian Legislature', that the words 'light and feeder' should be omitted therefrom, so that Provincial Governments may have the legal competence to construct any kind of railway, whether light or feeder, or otherwise, subject to compliance with the technical standards laid down by a central authority and subject to the proposed line not competing with existing Federal lines.

(3) *Mr. Zafulla Khan* urged that there should be as few centrally administered areas as possible ; with the exception of Delhi, efforts should be made to bring such areas within some Province or other.

(4) *Mr. Zafulla Khan* said that consideration should be given to the constitutional future of Beluchistan : it should be possible to weld British Beluchistan, Kalat, and Las Bela in some kind of federal union and so form a unit which might become a unit of the Federation.

(5) *Mr. Rushbrook Williams*, dealing with the suggestion in the Report, that certain States might in future desire to accept as operative legislation upon subjects which by their original Treaty had been excepted, entered a caveat to safeguard the position of other States not accepting such legislation, in the event of the legislation itself being sufficiently important to effect a change in the Constitution.

(6) Some discussion arose as to whether the previous assent of the Governor-General, referred to in the last sentence of paragraph 6 of the Report, should be dependent upon the advice of the Ministry.

*Mr. Jayakar* held that it should be so dependent, otherwise it would create an exception to the principle of the supremacy of the Legislature in the normal field (i. e., outside the sphere of special responsibilities and safeguards). In reply it was explained that the object was to provide for an impartial decision in the event of conflict between the Federal and a Provincial Legislature ; a Federal Ministry, however well meaning, could hardly be expected to give an unbiassed opinion in such a conflict. General agreement was eventually reached by substituting the word "conflicting" for the word "contrary" appearing in the last sentence of paragraph 6.

(7) *Sir Tej Saprú*, referring to paragraph 7 of the report on the question of Residuary Powers, said that his group considered that it was most desirable that unforeseen emergencies should fall to be dealt with by the Federal Government, and assured the Conference that residuary powers, if allotted to the Centre, would not be used as a means of interfering with Provincial Autonomy. He and his group were prepared to accept the compromise that had been suggested, but if the other side found it unacceptable then he must adhere to his original position that residuary powers should be allotted to the Centre. He asked whether the Secretary of State for India could give the Government's view on the matter to the Conference.

*The Secretary of State for India* was unable to make a final pronouncement at that stage, but stated that the Government were fully alive to the great cleavage of opinion on the subject, although inclined to think that a careful and exhaustive allocation of legislative powers would make the matter of less practical importance than it had assumed. He was much attracted by the compromise that had been suggested and if the two sides were mutually unable to reach agreement the Government would consider the compromise most sympathetically.

## HEAD B (b).

### Administrative relations between the Federal Government and the Provinces.

1. It was generally agreed that the relationship between the Federal Government and the Provinces should not be so defined, in connection with the separation of powers, as to involve a necessary breach with the traditional methods and machinery of Indian administration, whereby the Central Government has habitually employed as the agency for administering a large part of its functions the ordinary provincial administrative staffs. No doubt the tendency which has shown itself of recent years, even under the existing constitution, towards employment by the Central Government of separate agencies of its own for the administration of certain of its functions will be accentuated by the departure from the unitary system : but considerations of financial and practical convenience are opposed to any immediate and necessary adoption of this system as the consequence of the statutory division of powers and functions between the Centre and the Provinces which is involved in Federation. The legal and constitutional relations between the Federation and the Provinces should therefore be so defined as to place no obstacles in the way of the devolution by the Federal Government and Legislature upon Provincial Governments, or upon any specified officers of those Governments, of the exercise on its behalf of any functions in relation to the administration in

the provinces of any Federal or Central subject, wherever such an arrangement is found to be financially or administratively convenient.

2. It is clear, however, that the possession of such powers by the Federation will be liable to involve provincial governments in increased expenditure upon staff. It would clearly be unreasonable if every imposition of powers or duties upon provincial governments or their officers by a Federal enactment were to be regarded as necessarily involving a financial subsidy. The rule should therefore be that if the enactment of a Federal Act involves employment by the province of *additional* staff, the Federation should bear the cost of that staff if it is employed exclusively on the administration of a Federal or Central subject, and the cost should be shared between the Federation and that province if the additional staff is so employed only in part. In most cases, questions of the proportions in which such charges are to be borne should prove capable of adjustment by mutual agreement : in case, however, of disagreement, suitable provision should be made for an arbitral decision.

3. It was generally agreed that the Constitution should endow the Federal Government with specific authority to ensure that provincial governments give due effect to Federal legislation in so far as this depends upon their own administrative agencies ; it was felt in some quarters that Federal authority should extend, in the interests of the efficient performance of the functions entrusted to it, to ensuring that provincial governments so administer their own provincial subjects as not to affect prejudicially the administration of any Federal or Central subjects. As against this it was suggested in the course of discussion of this latter point that if the Federal Government is to possess this power there should be a reciprocal power in the hands of provincial Governments to ensure that Federal subjects are not so administered by the Federation as prejudicially to affect the administration of provincial subjects. No doubt any provincial government which considered that the action or policy of the Federal Government gave ground for legitimate complaint upon this score would lose no time in bringing its attitude to the attention of the Federal Government, either through its representatives in the Federal Legislature or by correspondence.

4. There was difference of opinion as to the extent—if at all—to which the Federation should be authorised to exercise control over the administration of provincial subjects when no question arises of reactions upon a Federal or Central subject. It was, however, generally agreed—

(a) that the scope for intervention by the Centre in the administration of provincial subjects should be strictly confined to questions involving the matters compendiously described as "Law and Order".

(b) that powers of intervention for this limited purpose should be vested in the Governor-General personally and not in the Federal Government as such ; in other words, that the power should be exercisable by the Governor-General "at his discretion" as explained in paragraph 10 of the Report on Head C ;

(c) that even so the Governor-General's intervention (which he would naturally exercise through the Governor) should be defined in appropriate terms as being exercisable only for the purpose of preventing the occurrence of conditions which might endanger the internal security of India.

It was generally recognised as the basis of these conclusions that the transfer of the control of "law and order" in the provinces cannot, in the interests of the country as a whole, be treated as involving the position that every province is to be entirely independent and uncontrolled in the administration of law and order but that at the same time the necessary powers of control and co-ordination must be so framed as, on the one hand, not to enable, or have the appearance of enabling, a constant external interference with the day to day Administration of provincial affairs, and, on the other hand, not to be so restricted as to be incapable of exercise until a serious breakdown of law and order has actually occurred. The conclusion recorded in clause (c) above is designed to meet this two-fold purpose.

#### ADMINISTRATIVE RELATIONS WITH THE STATES IN FEDERAL MATTERS

5. It was recognised that the relationship of the Federal Government with the States cannot be in all respects identical with that which will obtain with the Provinces. It was agreed that the Constitution should impose upon the States' Governments an obligation to exercise their executive power and authority, so far

as they are necessary and applicable, for the purpose of securing that due effect is given within their territories to every Act of the Federal Legislature which applies to that territory. It was further agreed that the Constitution should recognise arrangements (which would, in fact, be made in suitable cases through the Instrument of Accession) for the administration by the States on behalf of the Federal Government of Federal subjects through the agency of staff and establishments employed and controlled by themselves, but that any such arrangements should be subject to conditions to be expressed in the Constitution enabling the Governor-General to satisfy himself by inspection, or otherwise that an adequate standard of administration is maintained. Finally, it was agreed that power should vest in the Governor-General personally to issue general instructions to the States' Governments for the purpose of ensuring that their obligations to the Federal Government specified in this paragraph are duly fulfilled.

#### HEAD C.

##### Special powers and responsibilities of the Governor-General and Governors.

1. The Conference approached the problems presented by this head from the standpoint of the following assumptions as to the form of the constitutional structure:—

(a) that the Act will declare that executive power and authority (as in the United Kingdom and the Dominions) vests in the Crown, represented in the Federation by the Governor-General and in the Provinces by the Governors; but

(b) that nevertheless, except in so far as is otherwise provided, (whether such provision be in the Act or in the Instrument of Instructions) the Governor-General and Governors will be guided by the advice of their respective Ministers, and the Executive will depend for its legislative enactments and for its Supply upon the concurrence in its proposals of the Legislature.

2. Approached from this standpoint and from that of a unanimous acceptance of the general principles enunciated in paragraph 11 of the Second Report of the Federal Structure Committee, the questions for consideration under this head were found to resolve themselves into examination in greater detail than had been necessary or possible at previous Conferences of the exact nature and scope of the responsibilities to be imposed upon the Governor-General and Governors and of the special powers which are to flow from these responsibilities in order that the latter may be effectively fulfilled. The detailed conclusions at which the Conference have arrived under this head of the inquiry can best be described, therefore, under the general headings of the Governor-General's relations with his Ministers and with his Legislature respectively. The same general principle will apply to the Governors also, with the modifications of detail to be explained later.

##### A.—GOVERNOR-GENERAL'S RELATION WITH HIS MINISTERS

3. In certain matters Ministers will not be entitled to tender advice to the Governor-General at all; these matters—namely, the Reserved Departments will be administered by the Governor-General upon his sole responsibility. But it would be impossible, in practice, for the Governor-General to conduct the affairs of these departments in isolation from the other activities of his Government, and undesirable that he should attempt to do so, even if it were, in fact, possible. A prudent Governor-General would keep his Ministers and the advisers who he has selected to assist him in the Reserved Departments in the closest contact, and without blurring the line which will necessarily divide on the one hand his personal responsibility for the Reserved Departments and, on the other hand, the responsibility of Ministers to the Legislature for the matters entrusted to their charge, he would so arrange the conduct of executive business that he himself, the personal advisers in the Reserved Departments, and his responsible Ministers, are given the fullest opportunity of mutual consultation and discussion of all matters—and there will necessarily be many such—which call for co-ordination of policy. The hope was expressed that His Majesty's Government would be prepared to consider the embodiment of this principle in appropriate terms in the Governor-General's Instrument of Instructions, though it was recognised at the same time that the Instrument of Instructions must make it clear, without ambiguity, that whatever consultation between the Governor-General and his responsible Ministers may take place upon matters arising in the Reserved Depart-



ments, the responsibility for the decisions taken is the Governor-General's and the Governor-General's alone.

Some further conclusions bearing upon this matter will be found in the Report dealing with Defence expenditure.

4. As regards the actual Departments to be classed as Reserved, it will be necessary to add the Ecclesiastical Department to the Departments of Defence and External Affairs in the reserved category. This agreement was based upon the understanding that an endeavour will be made to alter the existing classification of Ecclesiastical expenditure so as to bring under the head of defence all such expenditure upon the provision of Churches and Chaplains as is required primarily for the needs of the British Army, and that the general policy will be to arrive as soon as may be at the position that the provision of such Churches and ministrations as are not required for this purpose is confined to the needs of the European members of the Services. The separate Ecclesiastical Department would thus, probably, be confined to the regulation of civilian requirements.

In any case, the Conference was given to understand that pending the completion of this policy, Ecclesiastical expenditure would not exceed the present scale.

5. In the course of discussion it was suggested by some Delegates that it might be possible to define with precision the matters which were to be treated falling within the Departments of Defence and External Affairs, and by so doing to leave to the charge of responsible Ministers certain spheres of activity which might otherwise be regarded as covered by those terms. There was, however, substantial support for the view that such a course would be undesirable in the case of Defence and unnecessary in the case of External Affairs. In the former case such an attempt would inevitably be found to involve a division of responsibility and control in a field where such division would be fatal to efficiency. This Department must therefore, include all matters directly involving military requirements. In the case of External Affairs, while the primary ambit of the Department would be matters involving relations with foreign countries, many subjects which involve such relations (e. g., the multifarious questions might be involved by commercial treaties) would necessarily be dealt with, and discussed, by the Ministers responsible for those subjects in the domestic sphere, by whose advice the Governor-General would be guided except in so far as he felt that his personal responsibility for the general subject of External Affairs made it incumbent upon him to act otherwise than in accordance with the advice tendered. The conclusions of the Conference upon this matter become clearer in the light of their conclusions as explained in paragraphs 7 to 9 below: but the main point which requires emphasis in the present connection is the fact that a matter which, in the domestic sphere, is in charge of a Minister will not necessarily be removed from his province and included for the time being in the Reserved portfolio of External Affairs merely by reason of the fact that the matter happens to become the subject of international negotiations.

6. A different problem presents itself in regard to the Governor-General's relations with his Ministers outside the ambit of the Reserved Departments—i. e., in the Departments which will be entrusted to the charge of Ministers responsible for the conduct of their administration of them to the Legislature. In this sphere ministers will have a constitutional right to tender advice, and the Governor-General will, except to the extent and in the circumstances explained below, be guided by that advice. The problem is so to define the circumstances in which he will be entitled to act otherwise than in accordance with his Ministers' advice. The Conference, after examining various alternatives, were unanimous in agreeing that the most satisfactory course will be—

(a) the enactment of provision in the constitution that the Governor-General has a "special responsibility" not for spheres of administration, but for certain clearly indicated general purposes, and that for securing these purposes he is to exercise the powers conferred upon him by the Act in accordance with directions contained in his Instrument of Instructions and

(b) the insertion in the Instrument of Instructions *inter alia* of a direction to the effect that the Governor-General is to be guided by his Ministers' advice unless so to be guided would, in his judgment, be inconsistent with a "special responsibility" imposed upon him by the Act, in which case he is to act, notwithstanding his Ministers' advice in such manner as he judges requisite for the due fulfilment of his special responsibility.

It will be apparent from this conclusion that the Instrument of Instructions will assume a position of great importance as an auxiliary to the Constitution Act.

7. It remains to indicate the matters or purpose in respect of which the Governor-General should be declared, in accordance with the proposals in the preceding paragraphs, to have a special responsibility in relation to the operations of the Federal Government. It was generally agreed that they should be the following\* :—

(i) the prevention of grave menace to the peace or tranquillity of India or of any part thereof ;

(ii) the protection of minorities ;

(iii) the preservation of the rights of the public services ;

(iv) matters affecting the administration of the Reserved Departments ;

(v) the protection of the rights of the States ;

†(vi) the prevention of commercial discrimination.

The actual terms in which the several items should be expressed formed the subject of some discussion, § but it should be made clear in the first place with regard to the list that the actual working of the items does not purport to be expressed here with the precision, or in the form, which a draftsman, when the stage comes for drawing a Bill, would necessarily find appropriate ; but the list expresses with sufficient clarity for present purposes the intentions underlying the conclusions of the Conference on this point. The necessity of the first three items was accepted with a unanimity which makes further elucidations unnecessary—indeed they follow as a matter of course from recommendations made at previous Conferences. With regard to (iv) it is apparent that if, for example, the Governor-General were to be free to follow his own judgment in relation to the conduct of Defence policy only in regard to matters falling strictly within the ambit of the department of Defence, he might find that proposals made in another department in charge of a responsible Minister are in direct conflict with the line of policy he regards as essential for purposes connected with Defence, and consequently that the fulfilment of his responsibilities for the department of Defence would be gravely impaired if he accepted the advice of the Minister responsible for the charge of the other department in question : if, therefore, such a situation is to be avoided, it seems to be impossible to secure the object in view otherwise than by expressing the Governor-General's "special responsibility" in some such terms as those indicated in item (iv). As regards item (v), it should be explained that this is not intended to give the Governor-General any special powers *vis-à-vis* the States in relation to matters arising in the Federal sphere proper ; the necessary powers having been transferred by the States in their treaties, such matters will be regulated in accordance with the normal provisions of the Act. Nor is it intended that the inclusion of this item should be regarded as having any bearing on the direct relations between the Crown and the States. Those will be matters for which the Constitution will make no provision and which will fall to be dealt with by a Viceroy representing the Crown, who will, it may be assumed, be the Governor-General in a capacity independent of the Federal organ. It may be, however, that measures are proposed by the Federal Government, acting within its constitutional rights and relation to a Federal subject, or in relation to a "Central" subject not directly affecting the States at all, which, if pursued to a conclusion, would affect prejudicially rights of a State in relation to which that State had transferred no jurisdiction. Or, again, policies might be proposed or events arise in a province which would tend to prejudice the rights of a neighbouring State. In such cases it seems evident that it must be open to the Crown, through the Governor-General or the Governor, as the case may be, to ensure that the particular course of action is so modified as to maintain the integrity of rights secured to the State by Treaty.

\* An addition to this list is discussed in the report of the Financial Safeguards Committee.

† See report of Commercial Safeguards Committee.

§ For example, Mr. Zafrulla Khan proposed for the working of (ii) "The avoidance of prejudice to the interests of any section of the population" (*vide* paragraph 16 of Second Report of Federal Structure Committee); he also proposed—and Sir Tej Sapru supported the suggestion—to retain for (v) the words used in the same passage of that Report, *viz.* : "To secure to the members of the public Service any rights guaranteed to them by the Constitution".

8. In addition to the items specified at the beginning of the preceding paragraph, the addition was suggested of a "special responsibility" for "the maintenance of good relations with other parts of the Empire". In support of this suggestion it was urged that some power ought to vest in the Governor General to intervene in situation where the policy advocated by his Ministers was likely to end in serious detriment to Imperial solidarity. On the other hand it was agreed that the existence of such a power in the hands of the Governor General, with no corresponding power at the disposal of Dominion Governors General, would tend to place India at a disadvantage in inter-Imperial affairs and would raise grave suspicions in the minds of the Indian public as to the uses to which it would be put; those who held this view pointed out that the Governor General would in any case be in a position to refuse his assent to legislative measures which he considered likely to give rise to justifiable resentment in the Dominions, and that no additional safeguard for this purpose was either necessary or desirable. The general conclusion of the Conference was in this sense.

9. The range of the Governor General's special responsibilities having been thus indicated, it is desirable to explain somewhat fully the precise effects which were contemplated as the results of the proposals contained in the three preceding paragraphs. In the first place it should be made clear that unless and until the Governor General feels called upon to differ from his Ministers in fulfilment of a "special responsibility", the responsibility of Ministers for the matters committed to their charge remains unfettered and complete. To take a concrete instance, it will clearly be the duty of Ministers, rather than of the Governor General himself, to ensure that the administration of their departments is so conducted that minorities are not subjected to unfair or prejudicial treatment. The intention of attributing to the Governor General a special responsibility for the protection of minorities is to enable him, in any case where he regards the proposals of the Minister in charge of a department as likely to be unfair or prejudicial to a particular minority, in the last resort to inform the Minister concerned, (or possibly the Ministers as a body, if they generally support the proposals of their colleague), that he will be unable to accept the advice tendered to him. Nor is it contemplated that the Governor General, having been vested with "special responsibilities" of the kind indicated, will either wish, or find it necessary, to be constantly overruling his Ministers' proposals. The discussions of the Conference have proceeded on the basic assumption that every endeavour will be made by those responsible for working the Constitution now under consideration to approach the administrative problems which will present themselves in the spirit of partners in a common enterprise. In the great bulk of cases, therefore, in day to day administration, where questions might arise affecting the Governor General's "special responsibilities," mutual consultation should result in agreement so that no question would arise of bringing the Governor General's special responsibilities into play.

10. Apart from the Reserved Departments, and the specified special responsibilities of the Governor General outside the sphere of those Departments, there is a third category of matters in which the Governor General must be free to act on his own initiative, and consequently must not be under any constitutional obligation to seek, or having sought, to follow, ministerial advice. For this purpose certain specified powers would be conferred by the Constitution on the Governor General and would be expressed as being exercisable "at his discretion". In this category of "discretionary powers", the precise range of which it will be impossible exhaustively to foresee until the drafting of the proposed Constitution has reached completion, it was agreed that the following matters should be included—

- (a) The power to dissolve, prorogue and summon the Legislature;
- (b) The power to assent to, or withhold assent from, Acts, or to reserve Acts for the signification of His Majesty's pleasure;
- (c) The grant of previous sanction to the introduction of certain classes of legislative measures;
- (d) The power to summon a Joint Session of the Legislature in cases of emergency, where observance of the ordinary time limit which, it was assumed, would be prescribed by the Constitution would produce serious consequences.

It follows further as a matter of logic from the foregoing proposals that the special powers to be conferred on the Governor General for the purpose of enabling him to fulfil his responsibilities must be similarly exercisable "at his discretion". To the foregoing must, therefore, be added,

- (e) The power to take action, notwithstanding an adverse vote in the Legislature to be dealt with more fully below ;
- (f) The power to arrest the course of discussion of measures in the Legislature —also dealt with below ;
- (g) The power to make rules of legislative business in so far as these are required to provide for the due exercise of his own powers and responsibilities.

## B.—GOVERNOR GENERAL'S RELATIONS WITH THE LEGISLATURE.

11. It is not sufficient, however, merely to regulate the Governor General's relations with his responsible Ministers, i.e., to regulate matters arising in discussions amongst the members of the executive Government. It follows from the recommendations of the Federal Structure Committee, upon which these proposals are based, that the Governor General must be given powers which will enable him effectively to fulfil the responsibilities entrusted to him, whether his responsibilities for the Reserved Departments or the "special responsibilities" indicated above, if their fulfilment involves action normally lying within the functions of the Legislature to which the Legislature will not agree. The general scheme underlying the proposals is that, wherever the Governor General's responsibilities for the Reserved Departments, or his "special responsibilities", are involved, he should be empowered not only, as has already been explained, to act without, or, as the case may be, contrary to, the advice of his Ministers, but also to counteract an adverse vote of the Legislature, whether such a vote relates to the passage of legislation or to the appropriation of funds. It was unanimously agreed, that the Governor General must, in some appropriate manner, be granted the necessary powers for this purpose, and that the exercise of these special powers should be expressed in the Act as being restricted to the fulfilment of these responsibilities. There was some difference of opinion, however, as to the precise form which these powers should be expressed as taking. It was suggested that provisions in any way closely analogous to the existing "certification" sections of the Government of India Act, namely, Section 67-B, which enables the Governor General to secure affirmative legislation, and Section 67-A (7), which enables him to "restore" rejected or reduced Demands for Grants, would be inappropriate under the Constitution now contemplated, and that the necessary powers should be so expressed as to involve not an overriding of the Legislature but action taken by the Governor General independently of the Legislature on his own initiative and responsibility. On the other hand the view was taken that it would be unfortunate if the Governor General's power to secure legislative enactments otherwise than by the normal process of the assent of the Legislature were so framed as to exclude any right on the part of the Legislature to discuss the terms of such a measure before it was enacted and that the objection to a procedure analogous in form to the provisions of Section 67-B or Section 67-A (7) would be substantially met if the new Constitution were to make it clear that such a measure when enacted, is described in terms as a "Governor General's Act", and does not purport to be an Act of the Legislature, and that votable supply which is, in fact, obtained otherwise than with the consent of the Legislature does not purport to have received such assent.

Notwithstanding this difference as to method, there was a general feeling in favour of the provision of powers of this character for use in fulfilment by the Governor General of his responsibilities for the Reserved Departments and of his "special responsibilities" on the understanding that care would be taken in framing the Bill to make it clear that their exercise was the outcome of the Governor General's own initiative and responsibility and would in no way compromise either the position of his Ministers in their relationship with the Legislature or the position of the Legislature itself.

12. It was also agreed that for the same purpose it would be necessary to place at the disposal of the Governor General powers analogous to the Ordinance-making powers to meet temporary emergencies contained in Section 72 of the existing Act. Indeed, in addition to such a power to be placed at the disposal of the Governor General "at his discretion" for the express purpose of fulfilling his responsibilities for a Reserved Department, or for carrying out a "special responsibility", there was general agreement that a similar power should be placed at the disposal of the Governor General acting on his Ministers' advice, i.e., at the disposal of the Federal Government, to meet cases of emergency when the Legislature is not in session, the Ordinances resulting therefrom being limited in duration to a specified period and

their continuation beyond that period being made dependent upon subsequent ratification by the Legislature.

13. Finally, the Conference were agreed that the Constitution should contain provision requiring the previous sanction of the Governor General, acting in his discretion, to the introduction of any Bill affecting a Reserved Department, or religious rites and usages\*, or any Bill repealing, amending or affecting any Act or Ordinance of the Governor General, enacted in fulfilment of his personal responsibilities†, and, in addition to this requirement, that the Governor General should be empowered, on the lines of the provisions of Section 87 (2-A) of the existing Act, to prevent the discussion, or further discussion, of any measure the mere discussion of which, in his judgment is liable to involve grave menace to peace and tranquillity.

14. It is perhaps desirable to summarise very briefly the essence and effect of these proposals. The intention is that the special powers of the Governor General properly so described, namely his power to obtain legislation and supply without the assent of the Legislature, will flow from the responsibilities specifically imposed upon him and be exercisable only for the purpose of enabling those responsibilities to be implemented. The responsibilities to be imposed on the Governor General by the Constitution should be of two kinds—an exclusive responsibility for the administration of the Reserved Departments, and a "special responsibility" for certain defined purposes outside the range of the Reserved Department. On the administration of the Reserved Departments Ministers will have no constitutional right to tender advice, though, in practice, they will necessarily be consulted; nor will they have any such right to tender advice on the exercise of any powers conferred upon the Governor General for use "in his discretion." On all other matters Ministers will be constitutionally entitled to tender advice, and unless that advice is felt by the Governor General to be in conflict with one of his special responsibilities he will be guided by it. If, in fulfilment of his responsibility for a reserved Department, or of a special responsibility the Governor General decides that a legislative measure or supply to which the legislature will not assent is essential, his special powers will enable him to secure the enactment of the measure or the provision of the supply in question, but Ministers will not have any constitutional responsibility for his decision.

#### C.—GOVERNORS' SPECIAL POWERS AND RESPONSIBILITIES

15. As indicated in paragraph 2 of this Report, the scheme for the Governor General's responsibilities and powers described above will be applicable in all respects to the Governor in relation to his Ministers and Legislature, with the following modifications of detail. In the Provinces there will be no category exactly corresponding to the Reserved Departments of the Governor General, though it may be found necessary to make arrangements somewhat analogous to those involved in reservation in order to provide for the administration of those areas in certain Provinces which, from the primitive nature of their populations and their general characteristics, will have to be excluded from the normal operation of the constitution. With this exception, therefore, the Governors' special powers will flow from, and be expressed as being required in order to enable them to fulfil their "special responsibilities" only.

16. As regards the "special responsibilities" of the Governors‡ these should be identical with those indicated in the case of the Governor General, save that the first item on the list would necessarily be confined in scope to the Province, or any part thereof, and not extend, as in the case of the Governor General, to India as a whole. But in the case of the Governors, it would be necessary to add to the list

\*The opinion was expressed in this connexion that the Governor General's powers for this purpose should not be so framed as to hamper freedom in social reform.

†See also Financial Safeguards section.

‡Sardar Tara Singh and Pandit Nanak Chand advocated a special arrangement in the Punjab in relation to "law and Order." The Minister in charge of that subject should be assisted by a Statutory Board composed of one Hindu, one Sikh, and one Muslim: and the Governor should have the power of decision in the event of disagreement between the Minister and the Board.

of "special responsibilities" an item relating to the execution of order passed by the Governor General. If the Governor General is to be charged, as will be explained later, with the general superintendence of the actions of Governors in the exercise of their "special responsibilities," and if, as has already been proposed, he is himself to have imposed upon him a "special responsibility" for the prevention of grave menace to peace and tranquillity throughout the country, it follows that he must be in a position to ensure that his instructions to a provincial Governor are acted upon : and consequently that the Governor must be in a position to act otherwise than on his Ministers' advice, if such advice conflicts with the Governor General's instructions. Finally, it may be necessary to impose upon the Governor a "special responsibility" for the administration of certain excluded areas, if, and as seems probable, the arrangements for the administration of excluded areas involve their classification into two categories, one of which would be placed under the exclusive control of the Governor and the other made subject to Ministerial control but with an overriding power in the Governor obtained in the manner explained in earlier paragraphs of this Report through his "special responsibility."

17. The division of legislative powers between Centre and provinces would no longer make appropriate the concentration in the hands of the Governor General of the power to legislate in emergency by Ordinance on provincial matters and this power should henceforth be conferred on Governors also, for the double purpose indicated in paragraph 13 of this Report. Some delegates, however, considered that only the Governor General should have the power to legislate by Ordinance.

18. Finally, the Conference were agreed that in so far as the Governor General or a Governor is not constitutionally bound to seek Ministers' advice, or in any matter in which being bound to seek their advice, he is unable to accept it, the general requirements of constitutional theory necessitate that his actions shall be subject to direction by His Majesty's Government and Parliament and that the Constitution should make this position clear. In the case of a Governor the chain of responsibility must necessarily include the Governor General.

19. It should be explained in conclusion that the recommendations on this Head of the Agenda have no reference to situations where a complete breakdown of the Constitutional machinery has occurred. It was, however, the unanimous view of the Conference that the Constitution should contain separate provision to meet such situations, should they unfortunately occur either in a province or in the Federation as a whole, whereby the Governor General or the Governor, as the case may be, should be given plenary authority to assume all powers that he deems necessary for the purpose of carrying on the King's Government.

## HEAD D.

### (1) Report of the Committee on Financial Safeguards

The Committee was appointed "to consider the question of Financial Safeguards" and was constituted as follows :

Sir Samuel Hoare (Chairman), Lord Irwin, Lord Peel, Lord Reading, Sir Akbar Hydari, Sir Manubhai Mehta, Sir Hubert Carr, Mr. Hidayat Hussain, Sir Cowaji Jehangir, Sir Tej Saprui, Sir Purshotamdas Thakurdas, Mr. Zafulla Khan.

1. The Committee took as the basis of their deliberations paragraph 13 and 19 of the Second Report of the Federal Structure Committee and the passage which relates thereto in the subsequent Declaration of Government policy by the Prime Minister at the final Plenary meeting of the first session of the Round Table Conference on the 19th January 1931. The Committee adhere to the principle that no room should be left for doubt as to the ability of India to maintain her financial stability and credit both at home and abroad.

The Committee examined in somewhat greater detail than was possible at the time of the Second Round Table Conference the implications of the conclusion in paragraph 18 of the Second Report of the Federal Structure Committee that "it would therefore be necessary to reserve to the Governor-General, in regard to budgetary arrangements and borrowing, such essential powers as would enable him to intervene if methods were being pursued which would in his opinion seriously prejudice the credit of India in the money markets of the world."

2. It was agreed, with one dissentient, that the requisite power for the Governor-General could suitably be obtained by placing upon him by Statute a "special

responsibility" in financial matters. The terms to be used in defining this special responsibility were carefully examined in the Committee. Some took the view that it was possible to enumerate exhaustively the occasions upon which the special powers of the Governor-General might have to be exercised. The majority are unable to accept this view, and are of opinion that the only statutory description of the special responsibility which will serve the essential purpose which all of us have in view is "a special responsibility for safeguarding the financial stability and credit of the Federation."

As in the case of other special responsibilities of the Governor-General, the responsibility of the Ministers for the matter committed to their charge will remain unfettered and complete unless and until the Governor-General feels it necessary to exercise his powers, his action will be so expressed as to make it clear that his Ministers bear no responsibility for it. Unless occasion arises for the exercise of these exceptional powers it will be for the Ministry, and the Ministry alone, to take decisions upon such matters as the means to be used for raising the necessary revenue, for allocating expenditure in the responsible field, and for the programme of external and internal borrowing.

It is, moreover, agreed that the Governor-General should not exercise the powers in question unless he is satisfied that failure to use them will seriously endanger the financial stability and credit of the Federation, and the Committee suggested that this should be made clear in the Governor-General's Instruments of Instructions.

The Committee are also agreed, with one dissentient, that the Governor-General should be enabled to obtain the services of a financial adviser, without executive power, to assist him in the discharge of the special responsibility referred to above. His services should be available to the Ministry as well as to the Governor-General, but he would be responsible to the Governor-General and would be appointed by him in his discretion and (in cases subsequent to the first appointment), after consultation with Ministers.

3. It has always been contemplated that the budget should include certain items of expenditure which are declared by Statute to be non-votable, for example, charges in respect of reserved departments and the service of the debt. The Committee endorse this principle.

4. The Committee agree with the recommendation in paragraph 18 of the Second Report of the Federal Structure Committee that efforts should be made to create, on sure foundations and free from any political influence, and as early as may be possible, a Reserve Bank which would be entrusted with the management of currency and exchange. The Committee are of the opinion that the proposals to be submitted to Parliament should be based on the assumption that such a Reserve Bank would have been created prior to the inauguration of the Federal Constitution, and recommend that steps should be taken to introduce into the Indian Legislature a Reserve Bank Bill conceived on the above lines as soon as is possible. Certain requirements must be satisfied before the Reserve Bank could start operations with a reasonable chance of successfully establishing itself; in particular, that the Indian budgetary position should be assured, that the existing short-terms debt both in London and in India should be substantially reduced, that adequate reserves should have been accumulated and that India's normal export surplus should have been restored. The Committee recognise that some of these matters are beyond the control of governments but have been assured by the Secretary of State that, so far as is within his power and that of the Government of India, a policy which aims at the earliest possible realisation of the conditions required for the establishment of the Bank will be pursued.

The Secretary of State undertook that representative Indian opinion would be consulted in the preparation of proposals for the establishment of the Reserve Bank including those relating to the reserves.

5. In the existing states of financial and economic crisis throughout the world, it is impossible at this moment to predict a definite date by which the Reserve Bank will have been launched. In paragraph 20 of the second report of the Federal Structure Committee it was contemplated that if the establishment of the Reserve Bank was unavoidably delayed, some special temporary powers might be given to the Governor-General to control monetary policy and currency pending the establishment of the Reserve Bank. The Committee were informed that His Majesty's Government had carefully examined the possibility of framing special provisions to this end, but that none of the measures which had been suggested would have been satisfactory from the point of view both of the responsibility of

the Federal Ministry and of the maintenance of India's credit; and it is important to remember that the maintenance of India's credit is itself one of the essential pre-requisites of the successful establishment of a Reserve Bank. The Committee accordingly have proceeded on the basis that the proposals to be submitted to Parliament would be framed on the assumption that the Reserve Bank will be in successful operation by the time that it is possible to inaugurate the Federation.

The Committee recognise that Indian opinion may well expect some indication as to the course to be followed if circumstances should arise in which, while all other conditions for the inauguration of the Federation have been satisfied, some obstacles remain in the way of the successful establishment of the Bank. The Committee have been assured by the Secretary of State that in this event His Majesty's Government would consult representatives of Indian opinion regarding the course to be adopted in the face of this particular difficulty.

It is on the basis of this assurance by the Secretary of State that some members of the Committee have been able to accept this part of the Report, and they reserve their right to reconsider their whole position should delay in the establishment of the Bank seem likely to result in postponement of the inauguration of the Federation.

6. Paragraph 18 of the Second Report of the Federal Structure Committee laid down that "provision should be made requiring the Governor-General's previous sanction to the introduction of a Bill to amend the Paper Currency or Coinage Acts". The majority of the Committee endorse this recommendation. It necessarily follows that this condition will apply to any provisions which may be contained in the Reserve Bank Act itself laying down the conditions with which the Bank has to comply in the management of currency and exchange.

7. The Committee are conscious of the difficulty in any country of reconciling the introduction of far-reaching constitutional changes, necessarily affecting finance with the highly important requisite that the confidence of world markets and of the investor in future financial stability should be maintained. They believe that the Ministry of the future Federation will pursue a course of financial prudence and that the Federation will rapidly establish an independent credit of a high class. Though, in the future as in the past, it will naturally be the aim to obtain internally, so far as possible, such loan funds as may be required, India will doubtless find it necessary to develop a credit that will enable her also to appeal with confidence to external markets. The provisions outlined in this Report are accordingly designed to afford India an assured prospect of maintaining the confidence of the investment market. Assuming that a prudent financial policy is pursued by the Federation, the Committee feel that there will be no need to call the proposed special safeguards into operation. Their existence should, however, afford reassurance to the investing public at a time when far-reaching developments in the political and financial sphere are being introduced.

The Conference noted the Report of the Committee on Financial Safeguards after the following points had been raised :—

*Mr. Jayakar* found difficulty in accepting any provision which seemed to confer on the Governor-General a special responsibility in regard to Finance beyond the mere protection of the security of investors and the assurance of sufficient funds for the administration of his special subjects. He also feared that the proposed financial adviser might become a rival of the Finance Minister, and that the inauguration of the Federation might be seriously delayed if it depended on the creation of a Reserve Bank.

## HEAD D.

### (ii) Report of the Committee on Commercial Safeguards

The Committee was appointed "to consider the question of commercial safeguards" and was constituted as follows :—

Lord Reading (Chairman). Lord Irwin, Mr. Butler, Lord Peel, Sir Akbar Hydari, Sir Manubhai Mehta, Dr. Ambedkar, Sir Hubert Carr, Mr. Hidayat Hussain, Sir Cowasji Jehangir, Sir Tej Sapru, Sir P. Thakurdas, Mr. Zafarulla Khan.

The Committee proceeded upon the basis of paragraphs 16-26 of the Federal Structure Committee's Fourth Report, which represents the general conclusions reached upon this subject, after much discussion and negotiation, at the previous sessions of the Round Table Conference.



The basic proposal of the Federal Structure Committee was that the avoidance of discrimination would best be achieved by specific provisions in the Constitution prohibiting discrimination in the matters set out in paragraph 18 of the Fourth Report of the Federal Structure Committee and defining those persons and bodies to whom the clause is to apply.

2. The Committee reaffirmed this proposal of the Federal Structure Committee as to the method of achieving the avoidance of discrimination. But while there was agreement (except for one dissentient) that legislative discrimination should be dealt with by such provisions, some members were disposed to the view that it was undesirable to attempt to provide against discrimination when it resulted from administrative action, on the ground *inter alia* that as the powers to prevent administrative discrimination must necessarily be vested in the Governor-General and the Governors, the possession of such powers would be tantamount to conferring a right of appeal to those high officers against any action of the Ministry which had given rise to dissatisfaction on the part of any individual or minority. The general view of the Committee was, however, that no such consequence need be anticipated from the inclusion of "the prevention of commercial discrimination" in the list of the Governor-General's and Governors' "special responsibilities",\* and that the adoption of this expedient was the only available means of making such provision as can be made against administrative action of this nature. On the general plan already agreed by the Conference for the statutory recognition as part of the scheme of safeguards in general or "special responsibilities" for certain specified purposes, the consequence would be, in this particular instance, that the Governor-General or Governor, as the case may be, would be entitled in the last resort to differ from proposals of his Ministry if he felt that these involved unfair discrimination. The Committee anticipate that the Instrument of Instructions would make it plain that the "special responsibilities"—or rather the powers flowing from them—are not to be invoked, either in this particular instance or in any other, capriciously or without due cause.

3. As regards the persons and bodies to whom these provisions should apply, a distinction was at one stage of the Committee's discussions sought to be drawn between those carrying on business in and with India; for example, it was suggested that in the case of companies, protection on the lines indicated above should be confined to companies registered in India. It was however pointed out that a provision on these lines involved possible attempts at double registration by companies originally registered in the United Kingdom which would inevitably give rise to great legal confusion and conflicts of jurisdiction. The majority of the Committee were not in favour of any such distinction, but were of opinion that this aspect of the matter should be dealt with on the basis of the principle of reciprocity, i. e. that no subject of His Majesty domiciled in the United Kingdom and no company registered in the United Kingdom should be subjected to any disabilities or discrimination in respect of the matters enumerated in paragraph 18 of the Fourth Report of the Federal Structure Committee to which subjects of His Majesty domiciled in India or companies registered in India are not subjected in the United Kingdom. Indian registered companies, on the other hand, would be secured against legislative or administrative action imposing upon them conditions as to the conduct of their business which discriminate against particular classes, through the operation of the general principles indicated in paragraph 18 of the Report of the Federal Structure Committee cited above.

The reciprocal basis here suggested should suffice to cover all the matters specified in paragraph 18 of the Fourth Report of the Federal Structure Committee, but, pending agreement between a Medical Council in India and the General Medical Council, some special provision may be required regarding the right to practice in India of practitioners registered in the United Kingdom.

The Committee assume that it would be open to the Government of India should they wish to do so, to negotiate agreements for the purposes indicated in this paragraph with any other parts of the British Empire.

4. The Committee agreed that bounties or subsidies should be available, without distinction, to all firms or individuals engaged in a particular trade or industry at the time the enactment authorising them is passed, but that in regard to companies entering the field after that date the Government should be at liberty to impose

\* See paragraph 7 of Report on Governor-General's and Governors' special powers.

the conditions of eligibility recommended by the External Capital Committee. It would, of course, be a question of fact whether the purpose of the subsidy or the imposition of particular condition, though not discriminatory in form, in fact intended to penalise particular interests; and the Governor-General or Governor, or the Courts, as the case may be, would have to form a judgment on this question in deciding whether a proposed measure was or was not discriminatory.

5. The Committee's proposals are based upon a conviction of the desirability of maintaining unimpaired under the changed conditions which will result from the new constitution that partnership between India and the United Kingdom with which the prosperity of both countries is bound up; and they are confident that the proceedings and policies of the future Indian Governments will be informed by a spirit of mutual trust and goodwill which will render it unnecessary to call in to play the provisions of the Constitution to be framed on this matter.

The Conference noted the Report of the Committee on Commercial Safeguards after the following points had been raised :—

*Dr. Ambedkar* preferred the method of a "convention" scheduled to the constitution rather than clauses in the constitution limiting the powers of the legislatures.

*Mr. Jayakar*, although accepting the principle that there should be no discrimination on the ground of race, attached great importance to not preventing the future governments and legislatures from adopting special measures to foster key industries or infant industries.

*Mr. Mudaliyar* with reference to the penultimate sentence of paragraph 3, stressed the importance of not creating a situation in which the hands of the Medical Council in India would be weakened in reaching a suitable agreement with the General Medical Council.

*The Secretary of State for India* undertook to do his utmost to secure that a suitable agreement was reached before the new constitution came into force.

## HEAD E.

### Defence

(1) The discussions proceed on the basis agreed to in the two previous Conferences that Defence should be reserved for administration by the Governor-General as representing the Crown. At the same time His Majesty's Government undertook to consider whether the principle enunciated by the Defence sub-Committee of the first Conference, that "With the development of the new political structure in India the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone", could not be reaffirmed in a manner that would bring it into relation with the new Constitution itself. It was also recognised that the future Indian Legislature should have at any rate no less latitude of discussion in the sphere of Defence than the present.

(2) The suggestion was made that the Governor-General's representative who is to act as Defence Member should be selected from Members of the Legislature representing British India or the Indian States, and further that he should be treated as a member of the Federal Cabinet though not made dependent for his position on the support of the Legislature. It was argued that he could thus maintain a closer contact than could be otherwise secured between the Governor-General and representative political opinion in the sphere of Defence administration. Opinion was, however, divided; and other speakers referred to the difficulty of harmonising the position of the Defence Member with that of a Member of the Legislature dependent on the votes of his constituents, and also that of making him a party to decisions of the Federal Cabinet while he could not share their responsibility nor could they share his. His Majesty's Government expressed their preference for adhering to the conclusion previously recorded that the Defence Member should be appointed at the unfettered discretion of the Governor-General since this in their view would preserve the essential responsibility of the Governor-General while it would not rule out the possibility of selection from the Legislature, supposing that on occasion the individual best suited for the post in the Governor-General's opinion was a Member of the Legislature.

(3) The Conference discussed what arrangements should be adopted to enable the Governor-General to obtain supplies for Defence purposes without placing

limitations upon his responsibility for the subject. Two alternative schemes were put forward by certain Delegates : either that Defence expenditure should be fixed by a contract system for a term of years, and that the amount so fixed should be settled as far as possible by agreement on each occasion with the Legislature ; or that Defence expenditure should remain non-votable but that there should be a system of close consultation between the Governor-General's immediate Advisers on the one hand and the leading Federal Ministers on the other, before the Military Estimates were submitted to the Governor-General for his final approval and for presentation to the Legislature. A preference was manifested for the latter alternative ; and it was further suggested that there should be a statutory obligation upon the Governor-General to consult the leading Federal Ministers in the manner indicated. A proposal was also made that, failing a scheme of this kind, the Defence Budget should be made votable by the Federal Legislature, subject to power of restoration by the Governor-General. His Majesty's Government felt that a statutory obligation of consultation could not but obscure the distinction between the responsibilities of the Governor-General and those of the Federal Ministers ; but they associated themselves with the view that joint consultation in this matter was highly desirable in itself and ought in the ordinary course to become a regular feature of the working of the new Constitution. They were ready, therefore, to consider any suitable method of formally affirming the desirability of joint consultation, such as the inclusion of some reference to the principle in the Governor-General's Instrument of Instructions and further to consider how an affirmation in this form could be brought into direct relation with the Act itself.

(4) It was suggested that the importance of rapid progress with Indianisation in the Army should be affirmed in some similar form ; and the proposals were also made that a comprehensive programme of Indianisation should be laid down. As regards the latter, the objection was made that the immediate fixation of a final programme, extending as it must over a considerable period, would almost certainly necessitate an extra degree of caution, and that the rate of progress even from the beginning might thus be unnecessarily retarded. The view was stated on behalf of His Majesty's Government that the pace of Indianisation must continue to be regulated by stages, while it was pointed out that a programme of Indianisation already exists which extends much further than the previous stage and looks forward to still greater developments in future. They expressed their sympathy with the suggestion that some means should be adopted of affirming the importance of the subject. In this connection reference was made to the fact that the question of the strength of British troops in India had been brought under expert investigation as recommended by the Defence sub-Committee of the First Conference, and was at present under consideration by His Majesty's Government.

It was suggested in some quarters for consideration that in recruitment for the Defence Forces no distinction should be made between what have been termed the martial and the non-martial classes.

(5) There was some discussion on the possibility of giving the Legislature a voice in the employment of the Indian Army outside the limits of India. On analysis, it appeared to be implicit in the Reservation of Defence that the Governor-General must be solely responsible for all measures which he judges to be required in the interests of India within the sphere of Defence, whether or not these might on occasions involve the employment of Indian Forces outside the actual limits of India. The general conclusion was that His Majesty's Government should consider how far the Legislature might appropriately be given a voice as to the loan of Indian Forces to the Imperial Government on occasions when the interests of India within the sphere of Defence were not involved.

## HEAD F.

Reports of the Federal Finance Committee and the Indian States Enquiry Committee (Financial). Federal Finance.

### REPORT OF THE FEDERAL FINANCE COMMITTEE.

The Committee was appointed "to consider the question of 'Federal Finance' in the light of the Percy Report, Davidson Report, and suggestions in the Secretary of State's statement of 6th December 1932", and was constituted as follows :—

Lord Peel (Chairman), Mr. Davidson, Mr. Butler, Lord Lothian, Rao Bahadur Krishnama Chari, Sir Akbar Hydari, Sir Mirza Ismail, Sir Manubhai Mehta, Sir Hubert Carr, Mr. Ghuznavi, Sir Cowasji Jehangir, Dr. Shafa'at Ahmad Khan, Mr. Mudaliyar, Sir Nripendra Nath Sircar, Sir Purshotamdas Thakurdas.

1. One essential feature of the general scheme of federal finance outlined by the sub-Committee of the Second Round Table Conference presided over by Lord Peel, namely, the transfer to the Provinces of almost the whole of the proceeds of taxes on income (other than corporation tax), has subsequently been criticised on the ground that it jeopardises the solvency of the Federation by depriving it of adequate access to revenue from direct taxation. The mutual financial relations of the Federation and the Provinces would also remain uncertain and perhaps discordant if the countervailing contributions from the Provinces to the Federation, originally proposed for a term of years, could not be extinguished in accordance with a definite programme. The view of the Percy Committee was that no definite time limit could be fixed for the abolition of contributions of such magnitude. A further difficulty revealed by the Percy Committee is that, even on the basis of estimates which assume a substantial economic recovery, certain Provinces might be left in deficit, some possibly in permanent deficit, even if a full share in taxes on income could be handed over to them.

2. The aims which we have kept in view may be summarised as follows : to provide that all Provinces may start with a reasonable chance of balancing their budgets ; to afford them the prospect of revenue sufficiently elastic for subsequent development ; to assure the solvency of the Federation : and to ensure that, after an initial period, the federal sources of revenue shall be derived from British India and the States alike. The achievement of all these objects is a task of extreme difficulty, especially at a time of great financial stringency. Nevertheless, the scheme set out in the following paragraphs seems to afford a promising line of approach. We are in general agreement as to its main principles and, subject to a satisfactory settlement of the two important factors referred to in paragraphs 4 and 6 below, consider that it offers the prospect of a solution.

3. As the basis of the scheme we envisage a two-fold division of the proceeds of taxes on income into shares which would be assigned, as a permanent constitutional arrangement, to the Federal Government and the Provinces respectively.

4. The Federal Government would be entitled to a share based on the proceeds of heads of tax which are not derived solely from residents in British India. We have in mind such heads as corporation tax, tax on Federal officers, tax in Federal Areas, tax on Government of India securities, and tax on the incomes of persons not resident in British India. We recognise that the exact content of the list requires detailed investigation and definition by those familiar with the income-tax system, and further that in practice it may not be possible to isolate the yield of some of the heads. It may therefore be necessary, and from the administrative point of view it would in any case appear advantageous, to define at least a portion of the federal share as a percentage of the total yield. These problems, we suggest, should form the subject of immediate examination. It is obvious also that some assumptions will have to be made as to the yield of the various heads of tax. In the meantime we have proceeded on the basis that the five heads quoted above should be permanently federal, and that their yield would be 5½ crores out of the sum of 17¼ crores estimated by the Percy Committee to be the normal net revenue from taxes on income. On these estimates unfortunately, we are unable to report that the scheme is acceptable to all of us. The success of the scheme in practice and its virtue in theory depend very largely on the prospective amount of revenue which would be secured to the Federal Government : and, while the representatives of British India are not prepared to go beyond a sum of about 5 crores, the States' representatives maintain that it should not be less than 8½ crores. It is only on the assumption that a share in taxes on income estimated to yield at the outset a minimum of 8½ crores is secured to the Federal Government that the States' representatives have agreed to assume the burden of corporation tax as explained in paragraph 8 below.

5. The whole of the remaining proceeds from taxes on income would be assigned to the Provinces, though their actual receipts might be limited by certain demands of the Federation presently to be proposed. We contemplate that the basis upon which the sum actually available for distribution should be divided among the Provinces would be laid down under the constitution, and generally speaking we are disposed to regard the proposals in paragraphs 74 and 75 of the Percy Report

as suitable. These proposals, however, require re-examination in the light of our present scheme, and we recognise that some modification may be desirable.

6. In order to ensure the solvency of the Federal Government until the existing abnormal conditions have passed and sufficient time has elapsed for the development of new sources of revenue, it is proposed that, out of the provincial share of taxes on income, the Federal Government should retain a block amount for a period of X years. This amount would be deducted by the Federal Government from the total net yield attributable to the Provinces before any distribution took place. In this connection, however, some Delegates wish to state that, in their opinion, the result as between the Provinces would be inequitable since, in effect, each Province would make a special contribution to the Federation in proportion to its individual shares of income-tax. They consider that the provincial share of taxes on income should first be distributed, and that contributions should then be taken back on some basis yet to be determined. Delegates from Bengal and Bombay are particularly emphatic on this point. As regards the amount to be allotted to the Federal Government, we are agreed that it should initially be sufficient to balance the federal budget at the outset, and it would therefore have to be determined shortly before the inauguration of the new constitution. In the determination of this amount, the Provincial Governments and the Government of India should, of course, be closely associated. Many members of the Committee consider that, in view of the high level of military expenditure, the possibility of reducing such expenditure should be closely examined in determining the initial federal deficit. Indeed, some members go farther, maintaining that the problem of a federal deficit might be entirely eliminated by very substantial reduction in expenditure under this head, and referring particularly to Sir Walter Layton's remarks on the subject in Vol. II, para 248 of the Statutory Commission's Report. On the question whether the initial amount should continue in full for entire period of X years we do not express final opinion, but on the whole we think it might be better to divide that period into two parts. On this basis, the amount would be fixed for a number of years and would then be gradually reduced to zero, on a scale provided under the constitution, during the remainder of the period of X years. As regards the duration of this period, we are unable to report agreement. The States' representatives consider that the minimum period should be ten years, divided into two parts of at least five years each if the alternative proposal just mentioned were adopted. The British India representatives would limit X to four or five years, divide, if necessary, into parts of two (or three) and two years. There is agreement that if, during the initial period, the federal budget showed a prospect of a continuing surplus, relief to the Provinces and States which make special contributions to federal resources, whether direct or indirect, ought to have priority over remission of taxation.

7. In this connection we note that, if any scheme on the above lines were adopted, the references in the Davidson Report to "Provincial Contributions" should be construed as applying to the block amount retained by the Federal Government from the Provinces (*vide* paragraph 26 below).

8. We also note that, provided a satisfactory yield from taxes on income is permanently assigned to the Federation, the States' representatives agree to assume liability for corporation tax on the expiration of the period of X years, subject to the understanding that, assessment of the tax on the companies in a State having been made, the State may raise the amount due to the federal fisc by any method it may choose, and not necessarily by the actual levy of that tax.

9. In addition to the normal powers of the Federal Government, we also contemplate, as an integral part of the scheme, special powers designed to meet such a situation as might arise if the federal budget, initially balanced by the amount retained from the Provinces, failed to remain balanced despite increased taxation upon existing sources and the development of new sources of revenue permanently allocated to the Federation. It is implicit in the scheme that the Federal Government should do its utmost to develop its permanent resources from the outset. It is accordingly proposed that, so far as British India is concerned, the Federal Government should have power to levy, for its own purposes, additional tax on the heads of income-tax permanently assigned to the Provinces. (In practice, of course, it would simultaneously raise the rates of tax on its own corresponding heads.) Whenever this was done, the Federal Government would also levy proportionate contributions on a determined basis (for example, that

suggested for a somewhat similar purpose in paragraph 113 of the Percy Report) from such States as prefer not to come into a federal income-tax.

10. Most of us are agreed that, independently of the scheme described above, each Province individually should have a right of sur-tax upon the personal tax levied on its inhabitants under the heads permanently allocated to the Provinces, subject to a maximum of 12½ per cent of the tax centrally imposed. This surtax, like all other taxes on income, would be collected by federal agency. Some members, on the other hand, urge that a provincial right of the nature would not only offend against the general desirability of uniformity in rates throughout India, but would affect the reserve of taxable capacity available to the Federal Government in times of emergency.

11. As regards legislative procedure, we propose that the legislation for corporation tax and for the exercise of the special powers proposed in paragraph 9 above should be entirely federal. Legislation for the rates of provincial surtax would be entirely provincial. All other legislation for the imposition of taxes on income, whether affecting the basis of assessment or the rate of tax, would be uniform, and would be effected by the Federal Legislature with the leave of the Governor-General given after consultation with a council of representatives of the Units and of the Federal Government.

12. While it is essential to ensure the solvency of the Federal Government and an equitable distribution of burdens among the partners in federation, we recognise also that provincial solvency must be secured if the Provinces are to function successfully. At the same time, we are faced with the insuperable difficulty that financial conditions for some time do not seem likely to permit any general distribution of revenues which would automatically bring all Provinces on to a solvent basis, and that some of them might even be in permanent deficit. We propose, accordingly, that any proved cases of deficit Provinces (whether already constituted or newly created) should be met by subventions from the Centre on certain conditions. (The special cases of Bengal, Sind and the North-West Frontier Province are referred to in the succeeding paragraphs, and the probable needs of Orissa are set out in the Secretary of State's statement printed as an Appendix to this Report.) We consider that there should be an enquiry shortly before the new order is inaugurated in the Provinces, as a result of which the amount of any subvention, where necessary, and its duration (if only required for a limited period) would be final, as periodic revision could not fail to react on constitutional independence and financial responsibility. We contemplate that the amount would be only just sufficient to enable a Province exactly to balance its budget on a basis of providing for bare necessities. Further, the total sum involved for all the Provinces concerned should be manageable in size and not such as to affect materially the resources which can be made available to the other Provinces. We do not at the present stage give an opinion as to whether any particular subvention should be constant and permanent, or constant and terminating after a stated period of years, or constant for a term of years and then diminishing over a period. This must depend largely on the prospects of expanding revenue in a Province, and the enquiry which established the necessity of a subvention should also be directed to the conditions of its grant. As regards the source from which subventions to deficit Provinces should be derived, the representatives of the States feel strongly that, except in the case of the North-West Frontier Province, they should form a charge on revenue derived from provincial heads of income-tax after the period of X years. The British India representatives, on the other hand, maintain that the charge would be properly federal after the period of X years in virtue of the amount of income-tax assigned permanently to Federal Government under the scheme suggested in the earlier paragraphs of this Report.

13. In the case of Bengal, we recognise that the difficulties arising from the present distribution of resources are exceptional, and we suggest that they might perhaps be met by according to the Province some share in the revenue from jute. We make no definite proposal as to the form which this share should take as the question requires technical examination. A suggestion, however, which appears to some of us to afford a possible expedient is that the export duty on manufactured jute might be removed, and a central excise on such jute imposed, to be distributed to the Provinces in which it is levied. A device of this kind would apparently overcome the serious difficulties likely to arise

from giving any authority other than the Federal Government the power to impose export duties, or providing that a portion of the proceeds of any export duty should be assigned to a Province. The delegates from Bengal, however, view this suggestion with strong disfavour. They consider that the deficit position of Bengal should properly be monopoly of the Province. In their view, the whole proceeds of that duty should be allotted to the Province, though, for the period of X years defined above, half the proceeds might be given to the Federal Government.

14. Sind is in a special position in that careful investigations have already been made which show that it will be heavily in deficit for a considerable number of years, but that a surplus may eventually be expected to emerge. The whole financial outlook of the Province depends upon the Sukkur Barrage. In this case it is suggested that there should be subventions from the Federal Government on a pre-determined programme. (Some indication of the magnitude of the sums likely to be involved is afforded by the Secretary of State's statement of 6th December, printed in the Appendix to this Report.) We also consider that, in view of the financial importance of efficient administration of the Barrage, the Governor of the Province might be given special supervisory powers in relation to its administration. Some members wish to point out that the grant of subvention to Sind in order to enable its separation constitutes a departure from what, in their judgment, was the principle laid down by the Sind sub-Committee of the first Round Table Conference.

15. A subvention will, of course, continue to be required for the North-West Frontier Province. In order to develop a sense of financial responsibility, we consider that the amount of the subvention should be fixed both initially and on the occasion of each revision for as long a period as may be found possible.

16. We agree generally with the proposals of the Percy Committee in Chapter VI of their Report, subject to such modifications as may be required by the scheme for the allocation of taxes on income outlined above.

17. In regard to the list of "taxes leviable for the benefit of the Units subject to a right of federal surcharge", we contemplate that all legislation should be undertaken by the Federal Legislature.

18. We feel that, if the lists of sources of revenue which it is proposed to insert in the constitution are carefully drafted, the problem of residuary powers of taxation will be reduced to small dimensions. Nevertheless, we consider that some provision for residuary powers is required, and we recommended that they should vest in the Units subject to the condition that the levy of a tax shall not directly prejudice a federal source of revenue.

19. We contemplate that the special powers, with which we have proposed in paragraph 9 above to invest the Federal Government, should ordinarily suffice to obviate the necessity of emergency contributions such as were proposed in section 21 of Lord Peel's Report, 1931. Nevertheless, we think it may still be desirable to provide in the constitution for such contributions, and we support the proposals of the Percy Report (paragraphs 112 and 113) as regards both the definition of the circumstances in which they should be levied and the basis of their assessment, except that we prefer in the case of a war emergency that it should rest with the Rulers of the States, as heretofore, to place their resources freely at the disposal of the Crown.

20. We agree generally with the recommendations of the Percy Committee in paragraphs 117 and 118 of their Report as to the limits within which the Units should exercise powers of borrowing and the machinery required in this connection.

21. We doubt, on the other hand, whether the proposal in section 22 of Lord Peel's Report, 1931, that future federal loans should be secured on the revenues of the Provinces as well as of the Federal Government, would really be effective. On the whole, we consider that it would be advantageous clearly to base the security for future federal loans on the revenues of the Federal Government only. The pre-federation debt, of course, will continue to be secured on "the revenues of India."

22. We have considered the adjustments which will be required to enable individual States to enter the Federation, on the basis of the general financial scheme, taking as its leading assumption that in an ideal system of federal finance all Federal Units would contribute on a uniform and equitable basis to the federal resources. It is generally agreed that the terms of entry of the States into federation should, as far as possible, entail the gradual elimination of contributions of a special character (cash contributions or ceded territories) by certain States to the

resources of the Federal Government, and the disappearance of the immunities or privileges of certain States in respect of certain heads of federal revenue (see customs, salt, posts and telegraphs).

23. To effect the necessary adjustments, separate agreements would require to be made, before the entry of the States into federation, with those now contributing in cash, or which contributed in the past by cession of territory for defence, and also with those now enjoying immunities or privileges in respect of specific heads of federal revenue. We endorse the recommendation of the Davidson Committee that the separate settlement for each State affected should be made by means of a balance-sheet setting off credits (in respect of cash contributions and ceded territories) against the value of any privilege or immunity enjoyed by the State. We also accept as a basis the plan proposed in paragraphs 443 and 444 of the Davidson Report.

24. We have not felt it to be a part of our duty to investigate the correctness of the details as regards existing contributions and immunities or privileges appended to the Davidson Report. Some question has been raised as to whether certain immunities should rank for the adjustments proposed, in view of the nature of the consideration which certain States have agreed to pay and are still paying for them. In this connection we note the caution in paragraph 13 of the Report as to the need for verification of the details in the Report, and we assume that the general principles accepted in the foregoing paragraph would be applied with due regard to the circumstances in which the contributions and immunities of individual States originated.

25. On the assumption that the method of adjustment with the States will be as above described, the nature of the settlement, in respect on the one hand of contributions and on the other of immunities and privileges, requires to be considered in some greater detail.

26. We are strongly of opinion that the present cash contributions of unequal incidence, paid by certain States, contravene the fundamental principle that contributions to federal revenues should be on a uniform and equitable basis; and we endorse the view of the Davidson Committee that there is no permanent place for such exceptional and unequal contributions in a system of federal finance. We accordingly recommend that, generally speaking, these contributions should be extinguished not later than the expiry of the period of 10 years provided for in paragraph 6 above; and, in case this period should be protracted longer than is expected, that a moiety should cease to be paid at the latest in ten years from the date of federation, and the whole within twenty years. Some of us would favour the immediate extinction of the cash contributions, but the general view is that, during the period of ten years, the entire sacrifice of this source of federal revenue would not be practicable. At the same time, it is the view of all of us that any cash contributions which are continued during the period of ten years must be taken in reduction of any contribution under paragraphs 9 and 19 of this Report which the States may be called upon to make during that period.

27. We have taken note of the view of the Davidson Committee in paragraph 95 of their Report that the tributes and cessions of territory for defence have, for the most part, a common origin. We therefore accept their view that States which in the past have ceded territory in return for protection are entitled, equally with States now paying cash contributions, to some form of relief. Most of us agree with the conclusion of the Davidson Committee that the net value of the territories at the time of cession constitutes the fairest basis for calculating the relief to be granted when such relief is desired by a State. This, however, assumes that retrocession of the territories in question, or failing retrocession an exchange of territories in favour of the States concerned, is not found to be a practicable alternative. Credits in respect of ceded territories should rank for adjustment *pari passu* with credits in respect of cash contributions.

28. We fully endorse the view of the Davidson Committee that inter-State tributes are anti-federal, and we view with approval the suggestion that these tributes should disappear, or be replaced by some formal token. In any case, we recommend that the Government of India might explore, in consultation with the States concerned, whether the relief in respect of ceded territories, proposed in the preceding paragraph, should be reduced *pro tanto* by the amount of any inter-State tribute retained by a State which has a claim to relief in respect of ceded territory or tribute.



29. Turning to the question of the immunities and privileges, great and small, which are enjoyed by numerous States, and of which the nature and value is indicated in the Davidson Report and its Appendices, we would reiterate the view that the entry of each State into the Federation should, as far as possible, result in its assuming liability for an equitable portion of federal expenditure. Nevertheless, we agree with the conclusion of the Davidson Committee that, where a State enjoys privileges or immunities the value of which is not offset by any special contribution, that State must retain the balance in its favour, in whole or in part, on its entry into the Federation.

30. In the case of salt, we note, with approval the suggestion in paragraphs 230-232 of the Davidson Report that restrictions upon the marketing of salt manufactured in Kathiawar might be removed. We assume, however, that the change recommended would require the agreement of the States concerned before it could be brought into effect in regard to any of them.

31. In the case of sea customs, we note that the present annual value of the immunities enjoyed by fourteen Maritime States amounts to over 1,80 lakhs, and we recommended that the question of extinguishing these immunities by compensation should be left over for consideration after the Federation comes into being. Meantime, however, our general view is that the possession by certain States of an immunity which prevents other States or Provinces from making their full contributions to the Federation, is contrary to federal principles. The existing treaties and agreements must be fully observed and no change made in them without the consent of the States concerned. But we recommend that Maritime States should retain at the most not more than the value of the duties on goods imported through their ports for consumption by their own subjects.

32. Numerous other important questions are raised in the Davidson Report, decisions on which must necessarily affect the adjustments to be made with individual States. We have thought it best to confine ourselves to the broader questions of principle affecting financial settlements with the States generally. We recommend that the conclusions reached on these basic questions should be applied to the examination of the further questions raised in the Davidson Report which is required before settlements with individual States can be effected.

## APPENDIX

### *Abstract of the Secretary of State's statement to the Conference on 6th. December 1932*

The problems of federal finance have already been considered by two Committees, under the chairmanship of Lord Peel and Lord Eustace Percy. Within the limits of their terms of reference, no two committees could have produced more valuable reports. But certain facts have emerged, both from the Committees' enquiries and from the events of the last twelve months, that necessitate a review of the problem from a rather wider angle than that from which the Peel and Percy Committees investigated it.

For example, the Peel Committee based its main recommendations upon the assignment of income-tax to the Provinces, with countervailing provincial contributions to the Centre for a definite period of ten or fifteen years. The Percy Committee, when they went into this question, found that no time limit could safely be put at the end of which the provincial contributions should come to an end. This is an important consideration and must be taken into account. A good many delegates were originally prepared to accept provincial contributions for a limited time; but now it appears that these provincial contributions might have to continue indefinitely. The rather unfortunate history of provincial contributions under the Montagu-Chelmsford Reforms must be kept in mind. Provincial contributions are at best a bad and rather dangerous expedient, and it seems a very serious step for the Conference to decide upon a scheme of finance with these provincial contributions for an indefinite period.

Again, the Percy Committee showed that if affairs go well there may be just enough money to go round; but they certainly did not take the view that there is enough money to go round at present. They based their recommendations upon the hope that there will be a world recovery, that commodity prices will go up, and

that the finances of the Federal and Provincial Governments will be substantially better than they are now. Regrettably, however, it must be recognised that the position to-day is not substantially better from the point of view of the prospective Federal Government and the Provincial Governments than it was twelve months ago. A recent estimate of the position of the Central and Provincial Governments shows that the central budget is likely to balance, but it will only balance as a result of new and heavy taxation. In the case of the Provinces, there will be many budgets showing deficiencies at the end of the year, and to-day no one can possibly say when these deficiencies will be wiped out.

The general conclusion to be drawn from these facts is that at the present time, the Federal Government would really need all the income-tax that is being collected. If, therefore, the Peel Committee's recommendation were accepted and the proceeds of income-tax were handed over to the Provinces, it would mean that, for an indefinite number of years, the Provinces would theoretically have the income-tax, but the whole of the tax would be transferred to the Federal Government in order to maintain its solvency. This would be a very anomalous state of affairs. Everyone is most anxious to give the Provinces real autonomy, with the fullest possible freedom in the disposal of their revenue and for their development; but no one would be prepared to set up a Federal Government that really had not at its disposal sufficient money to make itself solvent. Unless the Federal Government has at least the main part of the income-tax that is now being collected, it is not apparent how it is going to fulfil its obligations and remain solvent.

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The Percy Committee, on the assumption that the present depression would come to an end and that there would follow a period of reviving trade and of increasing prices, estimated that it would be possible to distribute only about five crores, and then only if allowances were made for the match tax, which has not yet been imposed. Unfortunately, the assumption on which this forecast was based is a long way from being realised, and in India the immediate financial outlook is not encouraging. The Government of India have been able this year to budget for a small surplus only by raising taxation to a very high level, by reducing pay, by drastic retrenchment and by the postponement of expenditure. In the Provinces, where the field of taxation is more limited, the position is worse; and although a policy of severe retrenchment has been followed, seven out of the nine Provinces may this year be in deficit. From the latest figures available it appears that, taking India as a whole receipts will hardly balance expenditure. As matters stand, therefore, the Centre cannot surrender any substantial portion of its revenue; and if the Peel plan were applied in present circumstances, this would merely mean that the proceeds of the income-tax would be transferred and the whole amount taken back in the form of contributions.

The alternatives open to the Conference appear to be either to make no constitutional change in the Provinces until there is a marked financial recovery, or to attempt to devise some emergency plan which will enable the deficit Provinces to start as autonomous units on an even keel. It would scarcely be seriously suggested that a Province which could not balance its budget should be given a new constitution and left to work out its own salvation. The problem, therefore, is twofold: first, to devise emergency measures which will enable the reforms to be introduced; and, secondly, to embody in the constitution permanent provisions for the division of taxation powers and resources. The subject is one of great difficulty and complexity and it would probably help the Conference if a concrete plan were placed before it. The following proposals are tentative only and, of course, no

final decision can be taken until the views of the Government of India and of the Provincial Governments have been obtained.

As regards emergency measures, it is suggested that we should consider the possibility of providing for financial equilibrium in the deficit Provinces at the outset by means of grants from the Centre. Under this plan it would be necessary, on the eve of the change, to ascertain the amount necessary in the case of deficit Province, and for the total amount required to be found by the Government of India. It is, of course, impossible to estimate now the amount that might be needed, but it is hoped that it would not be an unmanageable sum. A number of questions in connection with these initial subventions arise: by what authority should they be determined whether the contributions should be permanent or open to revision after a stated period; and whether they should be absorbed in any future distribution of central revenue. These subsidiary though highly important questions can best be dealt with in Committee. It will, of course, be realised that the initial subventions would do no more than start the deficit Provinces on a bare subsistence level. But if there is not enough money to go round they must tighten their belts and wait for better times.

As regards permanent arrangements, it must, so far as is possible, be ensured that the Provinces will have a reasonable expectation that, when normal times return, they will be able to function properly as autonomous units and to develop along their own lines. In the first place, it is necessary to define the field of taxation open to them. Certain proposals have been made by the Percy Committee, and these will have to be examined in Committee. Connected with this is the question of residuary powers of taxation, which, though perhaps not very important from the financial point of view, has led to considerable differences of opinion. Next, it is suggested that the Provinces should be given from the outset a right of surcharge of certain heads of income-tax up to 12½ per cent, so that they may at once be in a position to supplement their resources if they desire to do so by this method. The initial limit of surcharge should be low, as income-tax rates in India are already high; but the constitution might provide that maximum percentage rate of surcharge could from time to time be increased. Collection would still remain central. As regards income-tax receipts, the constitution should provide for their division, and it will have to be considered in Committee whether this can best be done by the straightforward method of surrendering from time to time blocks of the receipts as the financial position permits, or whether any better plan can be adopted. It seems also desirable to provide the possibility, with the return of prosperity, of distributing shares of certain specified heads of federal revenue, including the imposition by the Federal Government of exercises for the benefit of the Units.

To summarise, special measure would be taken by means of central subventions to start the deficit Provinces on an even keel; the provincial field of taxation would be defined and Provincial Governments invested with a limited right of surcharging the income-tax; as the financial position improved, central revenue would be transferred, and special taxation for the benefit of the Units might be imposed. It must be admitted that the Provinces may regard such an arrangement as a poor substitute for the definite advantages which they expected to gain from the application of the Peel plan; but the problem is conditioned by the realities of the situation, and this should be forgotten. Nor should it be forgotten that it is vital to preserve the financial stability of the Centre.

There are a number of other questions connected with federal finance which will have to be considered. The questionnaire that has been circulated sets out some of these, but perhaps they may be better discussed in the Committee appointed for the purpose.

Lastly, there are two questions on which one or two observations should be made before the general discussion begins, viz., the questions of the separation of Sind and the separation of Orissa. In the first place, there is the separation of Sind, which His Majesty's Government have accepted in principle subject to the discovery of satisfactory means of financing the new Province, and which the Conference accepted in principle last year. The financial problem has been examined both by an Expert Committee and by a Conference of representatives of Sind presided over by Mr. Brayne, whose Report indicates there will be a deficit of 80½ lakhs from 1933-34 to 1938-39, after which it would be continuously reduced until, in 1944-45, a net surplus of gradually increasing amount would be established. These estimates represent a reasonable working hypothesis, except in one particular. They assume that the charges in respect of accumulated interest on the Lloyd Barrage debt would

be shared between Bombay and Sind. After carefully considering the views of the Sind Conference, however, the conclusion has been reached that such a proposal would be inequitable to Bombay and inconsistent with the general principles on which separation ought to be effected. On this basis, after allowing for certain possible economies, and for the fact that the additional cost of separating Sind is expected to be covered by fresh taxation within the Province, there is likely to be an initial deficit on the administration of Sind amounting to about Rs.  $\frac{1}{2}$  crore, which would be extinguished in about fifteen years, or earlier if new resources became available.

Secondly, there is the question of Orissa. In this case it is impossible to make so definite a statement until an opportunity to consider the whole question has been found; but in the discussions of the Conference it is certainly desirable that the possibility of creating a separate Province of Orissa should be taken into account. His Majesty's Government have not yet reached any final decision in principle upon this matter, though they hope shortly to be in a position to announce their conclusions. Meanwhile, it would be well that the Conference should consider the financial difficulties involved. The exhaustive Report of Sir Samuel O'Donnel's Committee has been thoroughly examined by the Government of India, who consider that slight reductions in the estimates might be made, with the following result :—

	Rs. in lakhs.
Basic annual deficit	13½
Additional recurring cost of separation	15
Total initial deficit	28½
Ultimate deficit	35

It is suggested that the Conference might consider the question on the basis of these estimates. In so doing, the conclusion of the Orissa Committee will doubtless be borne in mind, that the deficit cannot be met to any appreciable extent by the imposition of new taxes.

The Conference noted the report of the Committee on Federal Finance after the following points had been raised :—

(1) *R. B. Raja Bisarya* on behalf of H. H. the Nawab of Bhopal, did not agree to corporation tax being included in the list of federal sources of revenue or to any arrangement which might involve a direct contribution from the States towards charges on account of purely British Indian liabilities. (*Mr. Rushbrook Williams* added that he believed this statement to represent the opinion expressed at the informal meeting of the Chamber of Princes last March.)

(2) *Mr. Rushbrook Williams*, in regard to paragraph 31, stated that the position of the Kathiawar and other Maritime States must be governed by their Treaties. It was impossible for the States which he represented to accept the general proposition that they should only retain the duty on goods consumed in their own territories.

## HEADS G AND H.

I.—Powers of the Indian Legislatures vis-a-vis Parliament.

II.—Constituent Powers.

III.—Fundamental rights.

### I.—POWERS OF THE INDIAN LEGISLATURES VIS-A-VIS PARLIAMENT

The existing Government of India Act embodies various provisions all taken from earlier Acts, which place limitations upon the powers of the Indian Legislatures. The general effect of these provisions is *inter alia* that any legislation passed in India, if it is in any way repugnant to any act of Parliament applying to India, is to the extent of the repugnancy null and void. It was felt that the form of these old enactments would be inappropriate for adoption as part of the Constitution now contemplated—a constitution very different in character from that of which they originally formed part, and that in substance also they would be unnecessarily rigid. There are certain matters which, without question, the new Constitution must place beyond the competence of the new Indian Legislatures and which must be left for Parliament exclusively to deal with—namely legislation affecting the Sovereign, the Royal Family and the sovereignty or dominion of the Crown over British India; and the Army Act, the Air Force Act and the Naval Discipline Act (which, at present,

apply to India), must be placed beyond the range of alteration by Indian legislation ; and it may also be found necessary to place similar restriction on the power to make laws affecting British nationality. But apart from these few matters it was felt that the new Indian Legislatures, Federal or Provincial, can appropriately be given power to affect Acts of Parliament (other than the Constitution Act itself) provided that the Governor-General acting "in his discretion" has given his previous sanction to the introduction of the Bill and his subsequent assent to the Act when passed : in other words, the combined effect of such previous sanction and subsequent assent will be to make the Indian enactment valid even if it is repugnant to an Act of Parliament applying to India. In his decisions on the admissibility of any given measure the Governor-General would, of course, on the general constitutional plan indicated in the Report on the Special Powers of the Governor-General and Governors, be subject to directions from the Secretary of State. Beyond a provision on these lines no farther external limitation to the powers of Indian Legislature in relation to Parliamentary legislation would appear to be required.

## II.—CONSTITUENT POWERS.

The conclusion just indicated—that the power to vary the provisions of Acts of Parliament should not relate to the Constitution Act itself—led directly to the question of Constituent Powers. Discussion of this question disclosed a unanimous recognition of the fact that it would be impossible to contemplate a delegation to Indian Legislatures by provisions in the Constitution Act of any *general* powers to alter that Act itself, and that such powers must necessarily remain with Parliament for exercise by means of further legislation as and when required.

2. This head of the Agenda was, however, framed on the assumption that there might be some matters in regard to which specific powers might be granted to Indian Legislatures to make modifications, subject to suitable conditions, of the detailed arrangements to be embodied in the new Act. The problem was discussed with particular reference to two matters which, though of a somewhat different character, were found to raise substantially the same problems—namely, (a) the details of the franchise and the composition of the Legislatures—Provincial and Federal ; and (b) the alteration of provincial boundaries, or the formation of new provinces. Taking the latter first, there was a general feeling that, while, once the Federation had been brought into being, it would be undesirable to give ground for the impression that the number, size or character of the federating units was to be liable to frequent or capricious re-arrangement at the behest of particular elements in their population—an impression which would be inimical to solidarity and to a settled political outlook—yet the Constitution Act might advantageously provide machinery whereby His Majesty's Government would be empowered, after satisfying themselves that proposals for the re-adjustment of provincial boundaries, or possibly even for the formation of a new province, had behind them a solid backing of popular opinion in the areas concerned, and would not involve undue commitments on the resources of the Federation or the provinces, to give effect to such proposals. Attention was drawn in this connexion to the provisions of section 52-A of the existing Government of India Act as an indication of the kind of provisions which it might be desirable to retain in being.

3. As regards the franchise and the composition of the Legislatures, it was recognised that scarcely any modification of the plans now contemplated for embodiment in the new Constitution could, in practice, fail to raise, either directly or indirectly, the general communal issue. His Majesty's Government had, indeed, contemplated, and had foreshadowed in their Communal Decision, the insertion of provisions in the new Constitution designed to enable, after a suitable interval of time, its modification with the consent of the various communities and interests affected. Discussion, however, disclosed a general feeling that most difficult and controversial issues would be involved in an attempt to define here and now conditions which, on the one hand, would not render the power to make such modifications incapable of exercise, on account of the stringency of conditions to be fulfilled and, on the other hand, would satisfy the several communities and interests that any decision for modification was, in fact, the result of substantial mutual agreement. It was, moreover, generally recognised that the difficulty which thus presents itself in relation to the Communal Award of devising suitable conditions for the exercise of any provisions in the nature of Constituent Powers, in fact pervades the whole problem discussed under this Head. In the course of the discussion a very complete plan was, in fact, suggested as a statement of the conditions to

which the exercise of the power (should such be granted by the Constitution) to modify the composition of the Legislatures and the nature of the franchise should be made subject. Objection, however, was taken to this proposal on the ground that its elaboration and stringency were such as, in all probability, to frustrate. In practice, the exercise of the power, even though there might be a really substantial popular demand for its exercise: it was suggested, therefore, on behalf of those who urged this objection, that a preferable course would be to leave it to His Majesty's Government themselves to determine the nature of the provisions to be framed in fulfilment of their intention that the details of the Communal Award should be susceptible of modification with the consent of the communities affected.

4. Finally, there was a consensus of opinion that the Constitution should provide that whatever powers were granted of this nature should not be capable of exercise save after this lapse of a substantial period of time from the date of inauguration of the new Constitution, and account was not lost, throughout the discussion, of the probability that Parliament itself, in enacting the new Constitution, would be inclined to approach with great caution any proposals for its alteration otherwise than by means which it could itself control.

5. His Majesty's Government took careful note of the very difficult issues to which the discussion had given rise; they were disposed, while leaving unimpaired the authority of Parliament to decide any issues which might present themselves involving changes of a substantial character in the Constitution, to examine with care and sympathy the provision of such machinery as might obviate the disadvantages and inconveniences to be anticipated from the lack of means to secure any alteration of the details of the Constitution as first enacted otherwise than by the difficult and lengthy process of an amending Bill: and would be concerned to see that any provisions designed with this object were so framed as to enable Indian opinion to be fully ascertained before any alterations were, in fact, carried out.

### III.—FUNDAMENTAL RIGHTS

In the agenda of the Conference the question of Fundamental Rights was purposely linked up with the question of powers of the Legislatures, because it was felt that it had been insufficiently realised that the effect of inserting provisions of this kind in the Constitution must inevitably be (if they are to be more than expressions of a political ideal, which has never yet found a place in English constitutional instruments) to place statutory limitations on the powers of the new legislatures which may well be found to be of the highest practical inconvenience. The Government have not in any way failed to realise and take account of the great importance which has been attached in so many quarters to the idea of making a chapter of Fundamental Rights a feature in the new Indian Constitution as a solvent of difficulties and a source of confidence: nor do they undervalue the painstaking care which has been devoted to framing the text of the large number of propositions which has been suggested and discussed. The practical difficulties which might result from including many, indeed most of them as conditions which must be complied with as a universal rule by executive or by legislative authority were fully explained in the course of discussion and there was substantial support for the view that, as the means of securing fair treatment for majorities and minorities alike, the course of wisdom will be to reply, in so far as reliance cannot be placed upon mutual goodwill and mutual trust, on the 'special responsibilities with which it was agreed' the Governor-General and the Governors are to be endowed in their respective sphere to protect the rights of minorities. It may well be, however, that it will be found that some of the propositions discussed can appropriately and usefully find their place in the Constitution; and His Majesty's Government undertook to examine them most carefully for this purpose. In the course of discussion attention was drawn to the probability that occasion would be found, in connexion with the inauguration of the constitution, for a pronouncement by the Sovereign and that in the event, it might well be found expedient humbly to submit for His Majesty's gracious consideration that such a pronouncement might advantageously give expression to some of the propositions brought under discussion which prove unsuitable for statutory enactment.\*

\* See Report on the special powers of the Governor-General and Governor.

† Dr. Ambedkar advocated the inclusion in the Instruments of Instructions to the Governor-General and Governors of any propositions relating to Fundamental Rights which could not be enacted in the Constitution Act itself.

## HEAD 1.

## Form of States' Instrument of Accession.

## REPORT

A meeting was held on the 20th December under the Chairmanship of Lord Irwin, which was attended by Mr. Davidson, Mr. Butler, the representatives at the Conference of the Indian States and certain legal experts and officials, to consider the form of States' Instruments of Accession.

2. It was agreed that the Federation would derive its powers which the Rulers of States would agree, for the purposes of the Federation only, to transfer to His Majesty the King for exercise by the Federal Government and Legislature and other Federal organs. In order to effect the transfer of these powers an agreement would require to be made by each State individually with the Crown which might be termed an Instrument of Accession.

3. It was agreed that the accession of States whose Rulers were not for the time being exercising Ruling Powers would have to be postponed until the Rulers were in possession of Ruling Powers. Some apprehension was felt as to the consequent reduction at the outset in the strength of the Indian States' representation in the Federal Legislature and it was considered that this question might require further examination in connection with that of the size and composition of the Federal Legislature in order that, having regard to the interests of British India, the position of the representation of the States as a whole might not be prejudiced.

4. It was accepted that the formal conclusion of agreements between the States and the Crown could not take place until after the Federal Constitution had been approved by Parliament.

It was contemplated that the provision of the Act in regard to Federation should not take effect at once but that the Act should contain a proviso that they should be brought into force after a specified period if and when so many States had acceded. This procedure would secure that the States should not be asked to commit themselves definitely until they had the complete Act before them. But it was suggested that opportunity might be found to enable the Princes' views on the draft Constitution to be made known to Parliament while legislation was in progress. In particular it was thought desirable that opportunity should be afforded to the Chamber of Princes and the States individually to consider the Constitution as outlined in the White Paper and possible again at a later stage (e. g., during the Report stage) if important amendments were introduced in the scheme after its discussion in the Joint Committee where the States would be represented and the introduction of a Bill in Parliament.

5. As regards the form of the Instruments of Accession the procedure which commended itself to the meeting as a whole was one whereby the States would convey to the Crown a transfer of the necessary powers and jurisdiction in accordance with the specific provisions of the Act. This procedure would enable respectively the Governor-General of the Federation and the other Federal organs established for the purposes of carrying out the Constitution, to exercise in relation to the States and the subjects of their Rulers, but only in accordance with the Constitution, the powers which the Rulers had agreed to transfer and would avoid a reproduction in the Instruments of Accession themselves of the wording of each clause of the Act which related directly or indirectly to the States. But provision would have to be made for the transfer to be limited by the exclusion of certain matters.

6. It was agreed that the Instruments of Accession must provide for exclusion from the purview of the Federation of those powers and jurisdiction in respect of Federal subjects, in whole or in part, which it was not agreed by the individual States to transfer to the Federation, subject to the understanding that there could be no question of a State so restricting the transfer of powers as to render its adherence to the Federation ineffective.

7. It was considered desirable that in due course the skeleton draft of an Instrument of Accession should be discussed between the Viceroy and the representatives of the States.

The Conference noted the Report on the "Form of States' Instruments of Accession" after the following points had been raised :—

With reference to paragraph 6, in reply to enquiries by Mr. Joshi and Mr. Jayakar, the Secretary of State for India made it clear that it was not contempla-

ted that a States' accession to the Federation should be accepted unless it was really substantially undertaking the Federal Duties.

It was made clear that it was not contemplated that the Treaties should contain provisions which would enable a State to come into the Federation and go out again at pleasure.

### REPORT OF COMMITTEE ON THE EDUCATION OF THE ANGLO-INDIAN AND THE DOMICILED EUROPEAN COMMUNITY IN INDIA.

1. The following delegates were selected to serve on the Committee :—

Lord Irwin (Chairman). Sir Hubert Carr. Sir Henry Gidney. Sir Muhammad Iqbal. Mr. Jayakar.

2. The Committee had the advantage of consultation with Sir Henry Richards, Senior Chief Inspector of the Board of Education, in regard to the system of inspection in England.

3. The main problem which the Committee had to consider was whether European education, which is at present a provincial reserved subject, should be a provincial subject under the new constitution, or should become a responsibility of the Central Government. As long ago as 1913 the domiciled European and Anglo-Indian Community asked that European education should be placed under Central Government. In 1923, and again in 1925, deputations from the community were received by the Secretary of State for India and made the same request. More recently the Committee on Education presided over by Sir P. Hartog considered the matter and reported to the Statutory Commission against centralisation. The Committee had, therefore, to consider a problem which had been before Government of India and the Secretary of State for nearly 20 years.

4. It is perhaps, therefore, hardly a matter for surprise that two opposing opinions found strong expression on the Committee. In these circumstances the Committee sought for a middle course and they believe they have found it in the following proposals, which they accordingly submit for the approval of the Conference.

The Committee recognises the special needs and circumstances of the Anglo-Indian Community and the necessity of maintaining a proper and adequate standard of their education. They have, however, decided that it is not necessary on this account that Anglo-India education should be a central responsibility, but they recommend that the education of Anglo-Indians and domiciled Europeans should have special protection accorded to it in the several Provinces, and that means should be found to secure its better co-ordination. To this end they recommend that—

(a) it should be provided by statute that there shall be no reduction in existing educational grants-in-aid for the community in any Province other than a reduction *pro rata* with a reduction in the general educational grants-in-aid save with the consent of a majority of three-fourths of the Legislature concerned; and further that this special protection shall continue until such time as it may be decided otherwise by a majority of three-fourths of the Legislature. These provisions should be without prejudice to the special powers of the Governor for the protection of Minorities;

(b) each Province should forthwith and before the new Constitution comes into force create a Board for Anglo-Indian Education, consisting of the Education and Finance Ministers of Provinces, one representative from each of the Universities in the Province, one representative of the Managers of Anglo-Indian Schools and two Anglo-Indians, the Boards being nominated by the Governors in consultation with the Ministers of Education after taking into consideration any recommendations put forward by the interests concerned. The Board's duties would be to make representations to the Ministers as to the amount of the block grant that they might consider necessary for the discharge of their duties, to administer the grants when made; and to tender advice to the Ministers on matters of administration concerning Anglo-Indian Educational Institutions;

(c) in order to secure uniformity of educational standards, and co-ordination of Anglo-Indian education throughout India, an Inter-Provincial Board for Anglo-Indian Education should be established forthwith, consisting of the Provincial Ministers of Education or their deputies and an equal number of persons nominated



by Provincial Governors to represent Anglo-Indian schools, in consultation with the Ministers of Education and the community concerned. The Chairman should be elected by the Board from their own number ;

(d) the Inspectorate of Anglo-Indian Schools should be appointed by the Inter-Provincial Board and placed under the general direction of the Board, for the purpose of securing uniformity of educational standard, and inspection. The Inspectorate should work under a Chief Inspector and have jurisdiction in such areas as the Board may decide, after consultation with the Provincial Boards concerned. In respect of the administration of schools situated within a Province, the Inspectorate would work under the specific control of the Provincial Minister of Education, acting in consultation with the Provincial Board of Education ;

(e) the cost of the Inter-Provincial Board and of the Inspectorate should be borne by the Provinces in proportions to be decided by that Board, or, failing agreement, by arbitration.

5. In making the recommendations in sub-paragraphs (b) to (e) of paragraph 4, the Sub-Committee assume that the maintenance of this or some equivalent machinery for the purpose of giving effect to the recommendation in sub-paragraph (a) of paragraph 4 should be rightly held to fall within the scope of the special responsibilities of Governors for the protection of Minorities.

The Conference noted the Report of the Committee on the Education of the Anglo-Indian and the Domiciled European Community in India.

13th December, 1932.

### SUPREME COURT

The Conference considered the question of a Supreme Court for India. In introducing the discussion Sir Tej Sapru referred to the fact that general agreement had been reached in previous discussions that some sort of a Federal Court was necessary to interpret the constitution and to decide constitutional disputes between the Federation and the Provinces and between the units of the Federation. The only question that remained was whether there should be Federal Court as apart from a Supreme Court or whether there should be a Supreme as well. Now, if it became necessary to have a Supreme Court at all then he and his colleagues were entirely opposed to having a separate Supreme Court set up. In the interests both of economy and efficiency there must be only one Court which might sit in two divisions for the decision of Federal issues and of appeals from High Courts in India respectively. He pointed out that a purely Federal Court of three or four judges would not be likely to carry much weight while a bigger Court of 9 to 12 judges would command confidence and attract talent. For these reasons he and his colleagues wanted both a Federal and a Supreme Court but not two separate Courts.

As regards the composition he thought that in view of the paramount importance of keeping the judiciary absolutely independent of all political taint the constitution should provide for the institution of the Court, for the appointment of the judges by the Crown and for the guaranteeing of their salaries. No religious or racial considerations should influence the appointment of Judges who should be taken from any community, European or Indian, provided that they could command confidence by reason of their independence, of their competence and their impartiality.

The setting up of a Supreme Court, however, did not mean that the jurisdiction of the Privy Council should be ousted. That jurisdiction should continue. At present there are two classes of cases that come to the Privy Council. The first consists of cases which are valued at over Rs. 10,000 : the second of cases in which the High Court certifies that there is some substantial point of law which ought to come before the judges of the Privy Council. It would be to the advantage of all alike if the pecuniary limit of appeal were raised, and with regard to the second class of appeals a certificate was required, not from High Courts but from the Supreme Court. He did not think that the work of the Supreme Court would be so vast as to require 20 or 30 judges as had been suggested in certain quarters. The right of appeal was perhaps somewhat abused and it would be the business of the new Legislatures to consider whether this right should not be restricted in the interests of justice, but his view was that no more than 9 to 12 judges would be necessary in the combined Federal and Supreme Court.

As regards Criminal appeals, his view was that appeals to the Supreme Court should be allowed only in case of capital sentences and then under certain well-defined conditions. He felt that the new constitution would not be complete without both a Federal and a Supreme Court.

*Mr. Zafrulla Khan* agreed generally with *Sir Tej Saprú* that there should ultimately be a Supreme Court. He considered however that as a Supreme Court was not an essential part of the constitution, all that was now necessary was to lay down the details of its constitution in the new statute, leaving it to the future Legislature to decide the actual date of its establishment. He agreed with *Sir Tej* that the right of appeal to the Privy Council should remain, that there should be some limitation to the number of appeals generally, and that the Supreme Court should have a certain criminal jurisdiction, for example, in cases of capital punishment; there should be a right of appeal to the Supreme Court in all cases of acquittal by a lower court and subsequent conviction by a High Court, and in other capital cases within certain defined limits.

*Sir A. P. Patro* speaking as a taxpayer was not convinced of the immediate necessity of a Supreme Court. A Federal Court was essential at the outset, but in their present straitened finances and with the jurisdiction of the Privy Council to continue, they might well wait until the Federal Court. In any case it was not certain that the best talent could be procured for such a Court because a lucrative practice would generally be considered more attractive.

*Sir N. Sircar* was definitely opposed to the constitution of a Supreme Court. The cost would be prohibitive; any right of appeal to the Supreme Court even in the limited criminal field of capital cases, would be largely availed of and some twenty or twenty-five judges would be necessary to deal with the work. If the object of the proposal was to escape eventually from the jurisdiction of the Privy Council this was not possible because the Privy Council exercises a prerogative power. Nor was this desirable; the Privy Council, sitting as the last impartial tribunal in an atmosphere remote from local colour and prejudice, had done much for British-Indian jurisprudence during the last 150 years, and its services should not be lightly set aside.

*Mr. Mudaliyar* urged that a "Dominion Status" constitution involves a Supreme Court, just as a Federal constitution involves a Federal Court. The only issue therefore was whether a Supreme Court should be established now or later. The main objection urged to establishing it now was the cost. But this did not take account of the fact that civil courts in India were generally self-supporting. The judges of the Federal Court, at least three and possibly five in number, might not be fully occupied by Federal matters and if sitting as a Supreme Court they heard civil appeals the stamp fees would offset the cost of the Court. Criminal appeals would be comparatively few. It should be noted that a resolution has been passed by the present Legislative Assembly subsequent to the meeting of the Consultative Committee in favour of the immediate establishment of a Supreme Court.

*Sir Akbar Hydari*, expressing the general view of the States Delegation, said that it was essential that the Federal Court should be a separate and distinct entity. A Federal Court was a constitutional necessity; a Supreme Court was not a matter of immediate importance, and, in any case, was the concern of British India alone. To visualise two divisions of the same Court, one Federal and one Supreme, was to confuse the issue. A Federal Court was a Federal essential and would require to be manned by judges of outstanding integrity, with a knowledge of constitutional law, customarily associated with All-India interests and free from local prejudices. The question of a Supreme Court on the other hand was merely a question of supplementing the judicial system of British India.

*Sir Hubert Carr* considered that no case had been made out for incurring the expense of a Supreme Court.

*Mr. Jayakar*, having shown that no difference of principle existed on the British Indian side, asked whether the constitutional picture could be regarded as complete if it did not provide every Indian with a complete right of appeal within his own country. The cost of a Supreme Court and its date of establishment were questions of detail; in principle, it was an essential of the Constitution.

*Sir Tej Saprú* did not agree with the conception of a Federal Court as put forward by *Sir Akbar Hydari*.

After some discussion it was decided that, in view of the differences of opinion that had emerged, it would be of no advantage to appoint a Committee of the Conference to consider the question further.

Subsequently, by leave of the Conference, a note on the subject by Sir Claud Schuster and Sir Maurice Gwyer was circulated as one of the Conference memoranda.

### GENERAL DEBATE—DISCUSSION ON REPORTS MEETING HELD ON THE 23rd. DECEMBER 1932

Sir Samuel Hoare presided at to-night's sitting of the Round Table Conference which after noting the report of the Financial Safeguards Committee began a general debate opened by Sir Tej Bahadur Sapru.

Sir T. B. Sapru said the picture would be completed when the White Paper was issued, it was then that they would ask themselves what was the sum-total of their gain. Subject to that reservation he would say that there were certain broad questions on which agreement has been reached, though there had been no agreement on every question. The big issue was federation. He had not come all this distance with the feeling that all they could achieve was provincial autonomy divorced from central responsibility.

Sir T. B. Sapru's conception of federation was that the States should be honoured partners, while British India should not be treated as a dependency of the States. He proceeded to request for a definite statement on behalf of the States on the size of the legislature and allocation of seats *inter se*, pointing out that there seemed to be two different opinions.

He urged that the date of inauguration of federation was of the most vital importance and should not be longer than twelve months after the passage of the Act. If by then the princes had not decided, the federation must be framed to function, leaving the door open to the princes to come in when they pleased.

Sir T. B. Sapru visualised the federation operating at the latest in 1935 and said if the Imperial Government considered that his idea was impossible, it would be most dangerous for them to start the new constitution in the provinces leaving the centre unaltered.

Sir Tej Bahadur said that his group had urged that the British Government must fix the date for federation as it had done with the dominions and hoped that before then a date would be fixed whereby the States must formally and authoritatively notify their willingness to enter.

Sir Tej Bahadur Sapru proceeded to refer to the reserve bank and said that there was no serious difference with regard to the conditions for the establishment of the bank, but referring to the difficulty of fixing the conditions for the establishment of the bank, he said that he would not be a party to any scheme which contemplated no central responsibility if a reserve bank was not established. 'If you find it impossible to inaugurate a federation with central responsibility, you must not assume that we agree to provincial autonomy or any change in the constitution of the centre. We reserve the liberty of making such a demand with regard to responsibility at the centre of British India as we may be advised'.

Referring to financial safeguards, Sir Tej Bahadur Sapru dealt with the question of security of British investors on the lines of the speech of the Conciliation Group and added that a few persons might have talked of repudiation but there were hundreds of millions of his countrymen who were prepared to honour the obligations. He appealed to the British investor not to lose courage in relation to a country owing common allegiance to the King-Emperor. The establishment of political relations between Britain and India on a sounder footing would advance India's credit which otherwise would go down.

Referring to the appointment of a financial adviser Sir Tej Bahadur Sapru asked that he should not represent any financial interest either in London, Bombay or Calcutta and should be appointed by the Governor-General in consultation with the Ministers and should be above party politics and be unconnected with any party in India or England and should not be a rival to the Finance Minister. They must also indicate that the financial adviser was not going to be a compulsorily permanent feature of the constitution.

Sir Tej Bahadur Sapru turned to India's defence and dealt with the control of the army in this transition period largely on the same lines as his earlier speech. He demanded that the Indian legislature should be responsible for the maintenance and expansion of military education. He understood that His Majesty's Government were considering the reduction of British troops. 'We regard that in the military expenditure there is considerable room for economies and a committee of experts should be appointed to investigate the problem of reduction with a view to bringing the expenditure near pre-war level.'

Sir Tej Bahadur Sapru called on Sir Samuel Hoare to make a definite pronouncement on this part of the R. T. O. work which would considerably help the reception of the constitution. It must be acceptable to the people of India. Unless he and his colleagues were able to convince the Congressmen, the chances of making a wide appeal to the country were very limited. 'With all my differences with Congressmen I had, that as far as Mr. Gandhi is concerned, he sums up in his personality the highest degree of self-respect in India and the highest degree of patriotism in the country'. The present state of things in India could not be allowed to continue much longer without causing serious injury and prejudice to the work which they had been doing amidst so much of unpopularity. He did not wish the Congressmen to be treated as outlaws but to work the constitution. 'If we are to discuss these things with whom are we to discuss them? As far as Mr. Gandhi is concerned he will simply refuse to discuss any political question inside the jail'.

Sir T. B. Sapru said that if on the Government's own showing the situation had improved, were they improving the chances of constitutional methods and chances of this constitution being accepted in India by keeping 15,000 or 16,000 men, who might be thoroughly wrong in the methods that they have adopted but who have nevertheless gone to jail because of their opinions and certain activities. I am making an earnest appeal to you to consider the situation. I tell you that I have never known in my 30 years of experience as a publicman so much of bitterness and so much of hostile feeling in Indian homes as I have witnessed during the last few months.

Lord Peel suggested that the reservations had been over-emphasised with the result that they had overlooked the very real and great transfer of authority that was being made to Indian Ministers. He proceeded to explain the attitude of those for whom he spoke in regard to safeguards and said that it was not due to a desire to retain power but it arose from a deep sentiment of obligation and responsibility to India and anxiety to see that it should be properly carried out by those to whom it was transferred. He referred also to the violent statements made in India by persons of considerable standing which affected public opinion in Britain though he did not doubt that thousands and thousands of Indians were just as determined to see that justice was done as any other people. Moreover the present world economic disturbances caused additional anxiety about establishing a new financial and economic system in India. He concluded by welcoming Sir T. B. Sapru's promise that he and his friends would do their utmost to bring the largest section of the Congress into the working of the Federation and said that unless they succeeded, the successful working of the Federal system would be most difficult.

Lord Reading recalled the doubts and hesitation with which one of the British political parties had entered the conference and how they had travelled a long way since they had first met. Lord Reading paid a tribute to Sir Samuel Hoare on behalf of the British Liberals and also praised the civilians here and in India and the commissions who had proceeded to India. Lord Reading complimented the British Indian delegates and princes who played a noteworthy part. Alluding to Federation, he said that there was no history in the creation of Federations which could even approach the stupendous character of this Federation. They had difficulties, but they had reached a commendable degree of agreement and differences mainly related to the method of carrying out the principles to which they had agreed.

'What we have to do is to arrive at a solution which would be agreeable not only to British India but also to the princes and ourselves in this country so that we can when a Bill is introduced in Parliament present a picture which the British public will be ready to accept. The greatest difficulty has been in regard to finance. Everything that had been originally said in this connection is being carried out except in one respect, namely, the measures by which it was hoped to enable finance to be transferred before the reserve bank is brought into existence. The difficulties on this point are not of our creation. They are not of the Government's creation

but they are entirely due to the world conditions. The Indian colleagues would agree that the Government have done their utmost to meet them and have met them wherever possible."

Wherever it had not been found possible it was because of conditions in this country. Sir Tej Bahadur Sapru had mainly based his argument on security for the British investor but had left out of account the fact that it was not merely financial assets to which the lender looked. He also thought of those that were going to handle those assets.

"There is no want of trust at all but you have to remember when you make transfer of financial responsibility that you transfer not only assets but you put in quite a different position those who have invested money. You must have some general provision in order to give the same feeling of security to the investor in future that he has to-day. Of course, as federal government develops and administration of finance by a minister is soon to be of a prudent and wise character that feeling of security will grow but at the present moment you have to bear in mind that you are making that change, and you must take care that there is a safeguard given not only to the present investor but to the future investor because you will require to borrow money in this country again and again."

In conclusion Lord Reading urged them to accustom themselves to rely too much on the past. "What we are attempting is to build up so that there shall be real co-operation between us."

*The Raja of Sarila*, speaking on behalf of some of the small States, emphasized that no discrimination of any fundamental character should be made between the States and was anxious that there should be no discrimination in regard to distribution of seats. The princes had failed to come to an agreed solution in regard to the principles on which allocation of seats to the Indian States should be made and there was no hope of agreement. "His Majesty's Government, therefore, have to give their award and the smaller States are content to leave the decision to the sense of justice and equity of His Majesty's Government." The Raja of Sarila urged the early abolition of tributes.

*Sir Akbar Hydari* repudiated any suggestion that the States' desire to federate had diminished and declared most emphatically that they had not retired from the position they had adopted at the outset. He referred in this connection to the idea that the States would break the federation over the question of finance and said their anxiety was to prevent that catastrophe as evidenced by the fact that they had accepted a tax which was odious to the States and agreed that it should be a federal source of revenue. He claimed that the princes and their ministers had conclusively shown their desire to join British India in forming a truly national government. He added that he did not worry about safeguards as, if central responsibility and provincial autonomy were worked in the proper spirit, they would not be needed. He concluded by paying a tribute to Sir Samuel Hoare and said that India had in him an advocate for everything which stable Indian opinion demanded in the shape of constitutional reform.

*Sirdar Tara Singh* dealt with the position of minorities, especially in the Punjab and urged if the Government lent its weight to the Allahabad Agreement, most of the difficulties in this connection both in the Punjab and India would disappear. He advocated that any measure adversely affecting a minority should be dependent on the sanction of Governor or Governor-General and require the consent of a specified number of members of the community. He said if these safeguards were granted a large number would rally to support the constitution. He also urged that a member of the minorities should be appointed to the Cabinet and asked for (refutation?) of the suggestion that the strength of the Sikhs in the army was to be reduced. He urged that the Sikhs should be given weightage in Sind.

*Nawab Liaquat Hyat Khan* appealed for realisation once for all that the States were as anxious to enter federation as British India and declared emphatically that the princes as a whole at the present moment were as prepared to enter federation as when they pledged themselves thereto. He said that this declaration was made on behalf of the princes generally. He paid tributes to Sir Samuel Hoare who, if they succeeded in establishing federation, would have an enviable name in the Indian history and referring to proportions in the Federal Legislatures promised that the views of British Indian delegates would be faithfully reported to the princes and that they would undoubtedly receive their most careful attention.

*Sir Purushottamdas Thakurdas* said that they could not claim that they were all satisfied even to the smallest degree regarding the special subjects in which they held different views. Few Indians would be satisfied until they got Dominion Status for India. Whether they had been satisfied with what had been done in this Round Table Conference or not and however small or large might be the degree of their satisfaction, there was one ray of hope, namely, the spirit with which the British delegation headed by the Secretary of State worked with them and the assurance he had given them at the committee and full conference meetings. Indian delegates wanted to see how these assurances would be translated into action.

The Round Table Conference consultations should be judged by three acid tests in the very near future by India. The new constitution might take a few months or few years to begin work. Meantime the spirit they had seen here required to be translated into action. The first test was : 'Is the Government of India prepared substantially to reduce military expenditure.' Secondly, the direction in which Indians expect relief without delay was the action by the Secretary of State in connection with gold export from India. In this connection *Sir Purushottamdas Thakurdas* urged that the Government of India should immediately consult representative men in India with a view to examine the feasibility of retaining India's gold for purposes of India's reserves.

In regard to the third part of this acid test, *Sir Purushottamdas Thakurdas* stated that a good deal had been said in regard to the credit of India which in his opinion would at the moment depend primarily, irrespective of any safeguards there might be in the constitution, on the contentment of the masses in India and on the masses in India resorting to their ordinary work to earn a living by the sweat of their brow without resorting to violence.

He concluded by saying that the people of India were looking forward for the release of Mahatma Gandhi forthwith. 'Such release would impress them and make it plain that the assurance you have given in regard to the future of India belongs to the spirit which is animating you even now.' Before the proposals mature, whatever they might do in regard to constitution in the making as long as they had Mahatma Gandhi in jail they would find the people of India would not seriously consider the constitution in the making.

*Earl Winterton* pointed out that the Round Table Conference had been attacked from the left in India and from the right in Britain. He said he always believed in meeting attacks by counter-attacks and pledged himself to meet the criticism of their deliberations and proposals in Parliament with all the energy and vigour at his command. He was certain that his Indian colleagues would defend their position as delegates with courage which in view of their record during the last few troublous years could be expected from them.

In regard to the position of the Conservative party *Earl Winterton* could not conceal that there had been differences of opinion on the subject of Indian policy both in the past, present and the future but he believed that a great bulk of unofficial members of the party were willing and ready to consider and adopt the federal solution. He did not believe that the bulk of opinion was either obstructionist or reactionary but it did demand safeguards alike for security of India itself and for its remaining part of the British Empire.

*Sir Manubhai Mehta* recalled the princes' conditions for entering federation, particularly, those relating to paramountcy and safeguards. The princes would make up their minds when the picture was completed. But the various difficulties that had confronted them in the past were now removed. 'I do not expect any difficulty in the way of federation. We are returning to India with feelings of hope.' But there was more to be done. Foundations for the future prosperous empire must be laid in a spirit of goodwill. 'Prepare the country well. There is at present bitterness in the very core of the people. It is all very well to say that the situation in the country has improved. All I can say is "All is not well in the State of Denmark." Therefore my request is to give freedom with open hands and good grace.'

'I am pleading on behalf of British India though I am from an Indian State because I am interested myself. Geographical demarcations do not prevent the spirit from crossing the boundaries and entering the States. So long as the spirit of unrest, bitterness and antipathy to Government is allowed to remain unremedied in British India we have a standing menace. I appeal to you to remove it by giving solid satisfaction to the people, as delay will only lead to further bitterness.'

*The Raja Bisarya* assured the British Indians that there was no foundation for fear that the British India would become a dependency of the States and said that nothing was further from the minds of the States than to exploit the situation in India to secure unreasonable selfish advantages. The States were more convinced than ever that federation based on recognition of the various interests concerned would be in the best interests of the Empire, British India and the States. But British India would understand the States' hesitation to sign the document without first ascertaining the terms thereof.

*H. H. the Aga Khan* felt that the conference might congratulate itself in taking a great step forward. In all the deliberations the good of India as a whole had been the dominant consideration. He suggested that all who worked together at the Round Table Conference should form a Round Table Party and meet in a select committee. *H. H. the Aga Khan* sympathetically referred to the regretted absence of the Premier and said if he succeeded in his ambition of helping disarmament, peace and world recovery, it would ensure the happiest results for the welfare and prosperity of India. He paid tributes also to Sir Samuel Hoare and like other speakers referred with appreciation to the work of the secretariat and the India Office staff. *H. H. the Aga Khan* then proposed a loyal resolution to His Majesty, which expressed the delegates' grateful sense of honour, by His Majesty placing his robing-room at their disposal and said that His Majesty had once more manifested that consideration for the princes and the people of India, which kindled with affection their traditional loyalty to the sovereign. He expressed confidence that His Majesty would share the hopes of satisfaction engendered in the minds of all delegates by a spirit of mutual understanding and goodwill which inspired their consultations.

*Sir Tej Bahadur Sapru*, in seconding His Highness the Aga Khan's resolution, unreservedly associated himself with the resolution in all sincerity and also thanked Sir Samuel Hoare, for his unsparring efforts to remove the cause which brought the delegates to London. He said that whatever their differences, Sir Samuel Hoare had succeeded in convincing them that he was in great earnest about the federation.

*Sir Manubhai Mehta*, on behalf of the States, supported the message of homage to the King which was carried by all standing.

### MEETING HELD ON THE 24th. DECEMBER 1932

*Lord Sankey*, presiding at to-day's final meeting of the Conference opened proceedings by announcing that the following reply to the delegates' message to the King-Emperor had been received from His Majesty :

"Delegates of the Round Table Conference."

"I think you sincerely for the loyal words you have addressed to me at the conclusion of your Conference. I know how complex the problem before you has, under closer scrutiny, proved to be and I shall study with deep interest the report of your deliberations. It is gratifying to learn that the spirit of goodwill which is uppermost in men's hearts at this season has prevailed throughout your meetings, and I feel confident that your labours will prove to have fortified the partnership whose strength and endurance are of such consequence to all my people. I bid you Godspeed, with my best wishes for peace and prosperity in the new year".

The delegates and all present stood during the reading of the message.

#### Secretary of State's Statement

Sir S. Hoare then addressed the Conference and said :—

"Lord Chancellor, "To-day we are attempting to finish our endeavour to recreate the fellowship of the Round Table Conference in modern conditions—a fellowship founded by King Arthur and depicted upon the opposite wall of this Royal robing room. We have not been unsuccessful in our attempt. Already others wish to follow our example. Only a few weeks ago a distinguished American came to see me to ask for the details as to our procedure. Evidently he was contemplating an experiment of Round Table Conference for the Philippines.

"Imitation is the surest form of flattery and that shows that the experiment upon which we have been engaged has been watched with the closest and most sympathetic attention from every part of the world. To-day we are looking back

at our past work. To-morrow we will be looking forward to the next step. As to the past, we have not been working in an empty void. We have not been attempting to create a situation in the air. We have not been, like Abbe Sieyès in the year of the French Revolution, creating paper constitutions.

"From the start to finish we have been circumscribed by the hard facts of the world as we find it. We have been confronted with the problem of reconciling the claims of three partners, who, for many generations, have been united in an undertaking of far-reaching ramifications—Great Britain on the one hand, British India on the other and Indian India on the third. The old Articles of Association were getting out of date and a new bond of union had to be found.

"The great achievement of the first Round Table Conference was to establish the fact for the first, and I believe for all time, that the new bond must be the bond of All-India Federation with the rights of each of the three parties effectively safeguarded. I believe historians will say that this decision was a turning point in the course of the British Empire. To-day let us, with gratitude, remember those members who took so prominent a part in bringing this ideal into the realm of practical politics. Let us remember in particular His Highness the Maharaja of Bikaner, who, I think, was the first of the Princes to press his view in this respect upon the Conference. Let us also remember Sir Tej Bahadur Sapru.

"Sir Tej Bahadur, if I may say so, was the first member of the Conference who fully realised the implications of this great ideal and who in those early days was much more conversant with the details of the Federation than I think any other member of the Conference. Let us throw our minds back to those days. Scarcely any of us, having lived under the unitary form of Government, really understood the implications of a Federation. I am told that at that time book-sellers in London did a roaring trade in the sale of manuals about Federations. I am told that there was a positive run upon the London Library by the various Government Departments concerned in order to get any text-books that bore upon that difficult subject.

"If I may say so, it was of the greatest value to all our subsequent proceedings that we had from the very start the expert and technical advice of Sir T. B. Sapru upon all those very difficult constitutional questions. The Federal idea then was a great idea that emerged from the first meetings of the Conference.

"The second Conference met in the face of very great difficulties. On the one hand we were in the throes of a world economic crisis and on the other we were faced with a change of Government and an impending general election. Those factors in themselves placed great difficulties in the way of our deliberations.

"But there was a third difficulty. There was the difficulty of the communal question. There we found that, with the best will in the world, at every stage last year we were brought up against the barrier of communal difficulty. I think the real achievement of the Conference last year was to start on foot a whole series of enquiries the most important of which were the detailed enquiries that led to the Government's Communal Award and included amongst which were the invaluable reports of the Committees that went to India in the new year—Lord Lothian's Committee, Mr. Davidson's Committee, Lord Eustace Percy's Committee. And I am quite sure that but for the award that reluctantly, but none the less inevitably, the Government had to make our deliberation this year would have been rendered impossible and infructuous.

"I now come to the work of this (third) Conference and I would sum up the results in two sentences. I would say, first of all, that we have clearly delimited the field upon which the future constitution is going to be built in a much more detailed manner than in the last two years. We have delimited the spheres of activity of the various parts of the constitution. Secondly, (and I regard this result as much more important even than the important first result) we have, I believe, created an *esprit de corps* amongst all of us that is determined to see the building that is going to be reared upon the field that we have marked out both complete in itself and completed at the earliest possible date.

"I said that we had marked out the ground. Let me explain by few examples what I mean by that assertion. I take the various parts of the constitutional structure in order. I begin with the part that Indian India, the India of the States, is to play in the Federation. There we have made it quite clear that there is no risk in any respect to the Treaties or to the obligations into which they and we have entered. I hope that I have made it quite clear that all questions governed by that general term 'Paramountcy' do not enter into the Federal



scheme at all. I think also that I may say that we have made some progress in the inquiry over which Lord Irwin presided one day this week into the methods by which the States will accede to the Federation.

"Let me say in passing, for I think it may help our future discussions both here and in India, that we have always regarded an effective federation as meaning the accession of a reasonable number of States and as at present advised, we should regard something like not less than half the population as a kind of definition we have in mind. Next I come to the Federation and the units. Here again, I think, we have made great progress in delimiting the field between the Centre on the one hand and the Provincial and States units on the other. We have been carefully through the lists of the Federal and non-Federal activities and we have got much nearer to agreement than we had ever reached before. It is now quite clear that there will be a definite delimitation of activities of each of these three parts of the Federal structure. To-day I need not go into the details, for the report of the distribution of the Powers Committee will show both to you and to the world outside the progress that we have made in that direction.

"Next there is the very difficult question of Federal finance, one of the most vital questions in the whole field of Federal activities. Unfortunately, we were discussing that question at a time of great difficulty. We have been discussing it at a time no Government in the world has sufficient money for its needs. But I think I can claim that there, again, we have made some substantial progress. I fully admit that there are differences still to be recognised and to be reconciled. I do not think it could be otherwise in any question of this kind, but I should like to say to Lord Peel, who, so far as the Conference is concerned, is the father of Federal Finance, (at present it is a rather difficult offspring, but, I think, as it grows up, it will become easier to manage) how much indebted we are both to him and to his Committee for having made the progress that they have achieved. I can say that the work they have done will very materially help the Government in coming to a decision in consultation with the Central Government and Provincial Governments in India at an early date.

"Then there are those difficult questions that we have always had with us in connection with the Federal institutions—the question about the size of the Chambers and about the allocation of seats. I say quite frankly that as regards the size of the Chambers I had hoped that we should have reached a greater measure of agreement than we found possible during these last weeks. It has been made clear that there still are differences to be reconciled, not only differences between British India and the States but differences between the bigger States and the smaller States; differences even between some members of the Chamber of Princes and other members of the Chamber of Princes.

"I wish we could have reached a further agreement upon this difficult question. I am quite sure that we have got to come to a decision upon it in the early future. To-day I would venture to say that, as far as the Government is concerned, we have come to the view that whatever may be the numbers of the Second Chamber some system of grouping will have to be adopted. I would say further that we must await further discussions that are going to take place in India in, I hope, the comparatively near future about the size of the Chambers. I hope they will succeed, but I would emphasise the fact that whether by the parties directly concerned or whether, if they prefer it, by the British Government a decision must be reached upon this point in the comparatively near future, unless a great part of our future discussions is to be gravely impeded.

"Then there was the question of the representation of communities in the Centre, particularly of the Moslem community. There, I think, I can say, definitely—I think I have said it indirectly very often before—that the Government consider that the Moslem community should have a representation of 33½ per cent in the Federal Centre. As far as Indian India is concerned that must be a matter for arrangement between the communities affected and the princes, but, so far as the British Government has any part in the question we will, at any time, give our good offices to making it as easy as possible for the arrangement between those parties with regard to the future allocation of seats.

Then again, I venture to say that definitely to-day, because I am anxious that that factor in the problem should not in any way impede the future progress in elaborating the further stages of the constitution now with all those Federal questions.

"I can see that there is grave anxiety in the minds of many members of the Conference—and I can sympathise with that anxiety—lest the various complications of which I have just given certain instances should take too long to settle and that the Federation will drift into the dim distance and will cease to be a reality in practical politics. Feeling that anxiety Sir T. B. Sapru asked last night that a definite date should be placed in the bill at which time the Federation should come into being. He qualified his request—and qualified it, no doubt, quite rightly—with the reservation that if the conditions were not fulfilled, Parliament must have some means at its disposal for postponing the date of the Federation.

"Now I agree with him that the last thing in the world that we wish is to see the Federation drift back into being simply an idea and not an integral part of the Indian constitution. But I think I ought to say that I do find a difficulty in agreeing, if, indeed, this is the time to agree or disagree, to anything in the nature of a definite date in the proposals of the Act. The difficulties in my mind are two-fold. I am not quite sure, and here I am speaking very candidly in the presence of representatives of the States, what reaction something that might appear to be rather in the nature of an ultimatum, might have on the Indian States themselves.

"Again, I find this difficulty. I feel that the machinery of the constitution will be of an extremely complicated nature and I think that Parliament, if it were confronted with a definite date, might be much more cautious in detailing the provisions of causation, that it might demand than it would be without a date.

"After all, machinery for bringing the Act into operation is going to be of a very complicated nature. I have always contemplated that some such method as a Parliamentary resolution would be adopted for bringing the Federation into operation and that the method would be adopted at the earliest possible opportunity.

"What I can say to Sir T. B. Sapru is that we are going to do our utmost to remove every obstacle in the way of the Federation and to remove it at the earliest possible date. Let me also say to him that we do not intend to inaugurate any kind of Provincial Autonomy under conditions which might leave the Federation to follow on as a mere contingency in future. We shall, as I say, between now and the passage of the Bill, do everything in our power (here I am speaking, I think, not only for the British Government but for the British delegation as a whole) to any obstacle that may at present stand in the way of the Federation coming into being at as early a date as possible.

"Lastly, let me say a word upon another side of this part of our discussions. For the last two years we have discussed the question of certain new provinces. We have discussed the question of Sind at the very opening of our deliberations two years ago. Last year we discussed in detail for the first time the question of Orissa. Since those discussions we have had expert enquiries into both questions.

"Basing our views upon the reports of those enquiries, basing our views still more on what appears to be a very general agreement both in India and in Great Britain, we have come definitely to the conclusion that Sind and Orissa should both be separate provinces. No doubt there will be details of the machinery to settle and some of them of a rather complicated kind. For instance, there are questions connected with the boundary of Orissa. They have not yet been fully considered, but it is the definite intention of the Government that in the All-India Federation both those great territories should enter as distinct provinces.

"I have now dealt with the more prominent feature of our discussions that emerge upon the more directly constitutional side of the Federation itself. Let me now come to the other series of problems that, in some cases, affect more directly Great Britain, and, in other cases affect certain communities and certain interest in India itself. I mean by that all that chapter of questions that by a rough and ready phrase, we have described as 'Safeguards'. Let me say at the outset that I regard Safeguards not as a stone wall that blocks the road, but as hedges on each side of which no good drive ever touches, but which prevent people on a dark night from falling into the ditch. They are not intended to obstruct real transfer of responsible power.

"They are not intended to impede day-to-day administration of any Indian Federal Minister. They are rather ultimate controls that we hope will never need to be exercised for the greater reassurances of the world outside both in India itself and Great Britain. Let me take the two instances that have been most prominent in this part of our discussion. Let me take the most difficult question of all—the difficulty of the transfer of financial responsibility.

"There I am not disclosing any secret when I say that during the last 12 months the British Government have fully accepted the fact that there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibility. We have fully accepted that fact and we have done our best in very difficult circumstances that have faced us to reconcile the legitimate demands of every Indian politician for financial control with the legitimate demand of everyone who is interested in finance not only for stability but for a situation in which there would not even be a suggestion that stability could be questioned. For, in the field of finance, it is not only the fact itself that matters but it is what people say about that fact.

"Now our difficulties have arisen from two sources. In the first place there is the fact that, as things are at present, a large part of the Indian revenue has to be devoted to meeting obligations that have grown up during these years of partnership between India and Great Britain. That in itself, and I am sure no one would question the justice of the point of view, makes people here—investors who have invested their money in Indian securities, men and women whose families are interested in the meeting of the old obligations—extremely nervous of any change. Secondly there is the fact that we are passing through, I suppose, the most difficult financial crisis that has faced Asia and Europe for many generations. In the case of India there is a peculiar difficulty, namely, that a large body of short-term loans raised under the name of the Secretary of State in London, fall due for payment in the next six years. That means that if the Federation is to start with a good name, if its solvency is to be assured, some means must be found for meeting those short-term maturities without impairing the future of Indian credit.

"Those are the hard facts that have faced the Government during the last twelve months. Those are the hard facts that we discussed in great detail and with great goodwill at the Financial Safeguards Committee. The British Government, the British delegation and sections of the Conference came to the view that, in these conditions, certain safeguards were absolutely necessary if we were to keep the confidence of the world outside and if we were to make it possible in future for the Federal Government to raise money upon reasonable terms. That, in a few sentences, is the history of the safeguard that has loomed very largely in our discussions this year—the history of the Reserve Bank.

"We feel that if confidence is to be maintained in the financial stability and credit of India the Reserve Bank must be in effective operation. Now our trouble has been—and it has been a very real trouble; it has been just as much trouble for us as it has been for those members of the Conference who have been doubtful about this safeguard—that it is impossible to say exactly when the Reserve Bank of the kind that we all agree should be set up can come into effective operation.

"What I can say—and I have said it to the Committee and I shall say it again to this Conference—is that we will take every step within our control to make the setting up of a Reserve Bank of this kind and its successful operation effective as early as possible. We will devote all our energies to that end. If events over which we have no control—namely events connected with world economic depression—are too strong for us, then, I gave a pledge to the Committee and I give it again to the Conference, that we will meet representative Indians and discuss with them what is the best step to meet that situation. I hope the situation will not arise. If it does arise we will take Indian opinion freely into our confidence and we will discuss with them what is the best step to be taken.

"I come now to question of defence—a question that again has loomed very large, and rightly so, in our discussions. We had, first of all, as you will remember, a debate in the full Conference, a debate in which, I may claim, there was complete unanimity that Defence, until it can be transferred into Indian's hands, remains the sole responsibility of the Crown. It was, however, clear to me in the course of the discussions, and afterwards in informal talks that I was able to have with certain leading members of the Conference, that there were differences of opinion as to the methods by which Indian opinion might be consulted in the administration of the reserved subjects.

"Sir T. B. Sapru reverted to these questions in his speech last night. I think I can say that the British Government can go at any rate some way—I myself believe a considerable way—towards removing some of the anxieties that he and his friends feel. Let me take in order two or three of the principal points to which he and his friends attached importance in these discussions.

"First of all, there was the question of the discussion of Defence and the Budget. We were all agreed it should be non-votable. In the nature of things, I think, this was inevitable, but we are quite prepared to take the necessary steps to see that the budget should be put as he and his friends wish—in blocks and not in a perfunctory manner simply to be discussed as a whole.

"Next, he was anxious about the employment of Indian troops outside India without the approval of the Federal Government, of the Federal Legislature. There I think he and his friends were agreed that, where it was actually a case of the defence of India in which no Imperial considerations entered—the defence, say, of the frontier of India itself—there the responsibility—the sole responsibility of the Crown should remain undiluted.

"More difficult questions arose in cases where Indian troops might be employed for purposes other than directly Indian purposes. Now, in those cases, I can say to him I would prefer not to be precise as to the exact method. I myself feel sure that means will be found to leave the decision in some manner to the Federal Ministry and the Federal Legislature.

"Next, there was the important series of questions connected first of all with the Indianisation of the army—that is to say, the greater participation of Indians themselves in the defence of India and, secondly, as to bringing into the consultation as much as possible the two sides of the Government. He and his friends were anxious for a statutory provision. A statutory provision is too inelastic if you desire statutory provision in a narrow sense, but I think I can meet him and his friends effectively by including the directions to the Governor-General in both these respects in the Instructions.

"Now, he said quite rightly, that his attitude towards that proposal, would depend very much upon the Instructions themselves. As regards the Instructions, we intend, first of all, to allude to them in the body of the Statute and then we intend to ask Parliament to agree to a novel procedure, but a procedure, that I believe, is well fitted to the conditions with which we are faced, namely, that before certain of them are submitted to His Majesty, both Houses of Parliament should have the opportunity of expressing their views upon them.

"The effect of that would be to give the Instructions, a statutory framework, by an allusion in the Act itself and to give them a Parliamentary framework by resolutions that would be passed, approving of them, before they are submitted for His Majesty's approval."

"As to the other proposals, that Sir Tej Bahadur Sapru had made in the matter of Defence, we still feel that the Governor-General should have unfettered power selecting his Defence Minister, but we will make it clear in the Instructions, that we wish the two sides of the Government to work in the closest co-operation and that we do definitely contemplate—I would ask his attention to this point and we will make an allusion to it in the Instructions—that before the estimates are actually put to the Federal Assembly, the Finance Minister, and no doubt, the Prime Minister, should have an opportunity of seeing them, and giving to the Governor-General their views upon them.

"I hope I have said enough to show that if I have not been able to meet in exact letter, the wishes of Sir Tej Bahadur Sapru and his friends, we have been able to go some way and I believe myself that in actual practice, we shall find the result will be very much the result that he and his friends desire, namely, that although the question of Defence is a reserved question with the sole responsibility for it imposed upon the Governor-General and the Crown, in actual practice, there will be the closest co-operation between the two sides of the Government. I am afraid I have taken up a very long time at our last meeting, but I hope I have said enough to show not only to the Conference, but to the world outside the general outlines of the scheme that we intend to propose to the Joint Select Committee. But it is something more than a scheme, upon which we have been engaged.

"We have been planning a scheme—but we have also been trying to create a spirit of co-operation. Several members of the Conference were very kind to me last night when they said that I had played some small part in helping to foster the spirit of co-operation during the last few weeks. I thank them for what they have said, but I say, that their kind words were really undeserved. The spirit of co-operation is due to much greater events and to much greater people than any with whom I am connected, or any that I could ever hope to emulate. This spirit of co-operation is not the result of the last few weeks.

"It is not the result of the event of the last two years of the meetings of the Conference. It goes back to all the many prominent men both here, and in India, who each, in his own way, have attempted to make better relations, between our two countries—Indians as well as British men. British men of the Right of Politics as well as of the Left. Do not let us forget that even when we disagree with their views of the future, the great work that some of these mere Conservative administrators have done for India in the past, and do not let us forget the great men who have gone from these shores to India. In recent years we have been doubly fortunate in the Conference of this year in having two of the most distinguished ex-Viceroy to help us, who have ever carried out those most responsible duties of any in the whole Empire.

"We have had the invaluable help of Lord Reading not only this year, but from the very opening of our discussion and in the first year of the Conference it was to a great extent Lord Reading's help that concentrated British public opinion upon the all important question of an All-India Federation. This year in particular, we have had the great advantage of Lord Irwin's help. Lord Irwin, if I may say so, has put in the help that he has given us during the last five weeks the coping-stone on the great work that he did in India."

"Let us not forget also in the company of the great men who have gone from these shores to India the invaluable work done by Sir John Simon and colleagues. Let us set aside minor questions of controversy that may have surrounded the work of that Royal Commission and let us to-day remember only that without that work which is unique in the parliamentary annals of Great Britain, it would have been impossible for us, the British members of the Government and of the British Delegation and I believe for many Indian members of this Conference also, to bring to bear the instructed mind that the great complexity of these federal problems demands at every stage.

"Last night, Sir T. B. Sapru made an eloquent appeal for a chapter of renewed co-operation between every section of Indian opinion and ourselves. Let me say that there is nothing that I desire more myself. I want to see no empty chairs at the Round Table Conference of the Joint Select Committee. I will give to the words that Sir T. B. Sapru uttered last night the full consideration that they demand. He will not expect me this morning to give a definite answer, either in the affirmative or in the negative, but I can assure him that I am fully conscious of the expressions of goodwill of which we have had evidences, in India itself during the last few months and of which we have had many evidences during the course of our deliberations in this Conference.

"I can tell him that whatever we may decide the thing that we wish above all others, is that he and his friends shall go back to India and tell every section of Indian opinion, that their help, just as we shall go out into Great Britain and tell our friends that after the discussions of the last two years and particularly after the deliberations of the last four weeks, we believe that we can produce before the High Court of Parliament a scheme on the lines, that we have been discussing that will do credit both to Britain and to Indian statesmanship."

#### LORD SANKEY'S MESSAGE FOR CONGRESS

Winding up the Conference, Lord Sankey regretted the absence of the Premier, who was one of the best friends India ever had in this country. "The Prime Minister remains your friend and intends to do everything possible to implement your discussions." Lord Sankey paid a tribute to each individual delegate and recalled the distinctive part they had played during the deliberations of the Round Table Conference.

"One thing I regret. I have mentioned those who have helped us. I regret that one political party in England and one great political party in India have not seen their way to help us on this occasion. I believe, I am sure, when we come to the next and final stage of our deliberations, both those parties will come over and give us their assistance." He wanted to send them a message. "My brothers, we are labouring for peace and do not make yourselves ready for battle."

Turning to the representatives of the Princes, Lord Sankey said only one thing could dim the lustre of the wise and patriotic statesmanship of the Princes and that was delay. He hoped that when the States appeared in London at the select committee in March or April, they would be able to give a definite assurance about entry into the Federation.

Concluding, Lord Sankey counselled them always to strive for the ideally perfect but accept the practically possible.

# THE STATES ENQUIRY COMMITTEE REPORT

The following is a summary of the report of the Indian States Enquiry Committee (Financial) issued on the 28th. July 1932 :—

The simultaneous publication in England and in India to-day of the Report of the Indian States Enquiry Committee (Financial) completes the work of the three Committees appointed by the Prime Minister in December last after the second session of the Round Table Conference. The Report is unanimous and is signed by the rt. hon. J. C. C. Davidson, chairman, Sir Reginald Glancy, deputy chairman, Lord Hastings, Lord Hutchison of Moutrose, Sir Maurice Gwyer, Sir Charles Stuart-Williams and Mr. J. R. Martin.

The task assigned to the Committee was to examine the extent to which the existing financial relations of the India and the Crown present obstacles to the attainment of an ideal system of federal finance. As pointed out in the Prime Minister's letter of instructions to the chairman, such a system would be one under which all federal units would contribute on a uniform basis to the federal resource. The attainment of such uniformity in the future Indian Federation is hampered by the fact that, on the one hand, numerous States make, or have made in the past, direct contributions and, many of them enjoy a measure of immunity from the incidence of those very taxes which will be the main sources of federal revenue, or possess a privileged position in respect of certain important federal subjects such as 'Posts and Telegraphs' and 'Coinage and Currency.' It was necessary for the Committee to make a detailed scrutiny of the origin and nature of these contributions, immunities and privileges and to ascertain at first hand the views of the States as to the extent to which they might be affected by the setting up of a federal constitution in India. This entailed, in addition to an extensive tour in India, a vast amount of historical research and the collection and sifting of a great mass of statistical information. In the circumstance, the completion of the Report (the actual drafting of which took only six weeks) within less than seven months from the date of the Committee's appointment has been no easy matter. The Committee remained in India from 29th January till 30th April 1932. Details of their tour among the Indian States, which extended to considerably over 10,000 miles and involved almost continuous travelling, are given in Chapter I of the Report and in the map which serves as its frontispiece. Personal discussions were held with 88 rulers or their ministers as well as with several deputations representing whole classes of smaller States. The discussions and the collection of materials relevant to the issues raised, fully occupied the Committee's time in India and made it impossible to attempt the preparation of the Report before its return to England in the middle of May.

## HISTORICAL SURVEY

Chapter II of the Report gives a historical survey of the circumstances in which the Indian States came into relation with the British Government and gives a brief account of the origin of the contributions and immunities which are reviewed in detail in subsequent chapters. It is of the greatest importance that the conditions existing when the treaties were made should be appreciated—anarchy, lawlessness and ruthless oppression were the order of the day and the rescue and prevention of many States by the British Power was achieved by military operations and the treaties of peace that followed them. It is interesting to observe how, as the result of economic developments subsequent to the transfer of the responsibilities of the East India Company to the Crown, the States had already become closely identified with numerous branches of all-India activities even before the emergence of the federal ideal. To a great extent indeed, Railways, Currency and Coinage, Posts and Telegraphs, and Salt are already 'federal subjects.' The all-India services of public utility function in the States as well as in British India, and taxation through sea customs and the salt tax is largely of all-India incidence. But the states still lack the means of influencing policy in these matters and the measure of autonomy already vouchsafed to British India has made it difficult for the Crown to safeguard their interests in the economic sphere. Hence the Committee regard it as in-

evitable that, in the process of transferring further responsibility in such matters to Indian hands, provision should be made for the due participation of the States.

#### CONTRIBUTIONS AND IMMUNITIES

Chapter III to VIII of the Report contain detailed surveys (supplemented by Appendices) of the contributions—cash contributions (generally known as tributes) and ceded territories and two of immunities (salt and sea customs) are of such intricacy and importance as to necessitate self-contained Chapters. The other contributions and immunities are classified as 'miscellaneous' and reviewed in Chapter V and VIII.

The Committee has from an early stage of its investigations foreseen that it would eventually be necessary to frame separate terms for each individual State on its entry into federation. It has endeavoured, therefore, throughout its survey of the special contributions and privileges, to formulate principles in accordance with which definite 'cash credits' or immunity debits' could be raised in favour of, or against, each State concerned. In the great majority of cases it has been possible to specify in the Report or one of its Appendices the exact amount of these credits and debits, but in others this will have to be done subsequently by application of the principles formulated.

The recommendations of the Committee in respect of the various categories of contributions and privileges will be found briefly summarised at the end of the Chapters in which they are respectively reviewed.

#### CASH CONTRIBUTIONS

The cash contributions, of which no less than 725 have been catalogued and classified in Appendices to the Report, are dealt with in Chapter III. They have been divided into two main categories and seven classes. The Federal Finance Sub-Committee of the Federal Structure Committee of the Round Table Conference recommended that, in so far as these payments are of a feudal nature, they should be wiped out *pari passu* with the direct contributions required from British Indian provinces, and, further, that there should be immediate remission in respect of any part of such contributions which may be in excess of 5 per cent of the total revenues of the State concerned. The present Report, however, does not accept the view that the States' contributions in general are of a feudal nature, and would justify remission not so much on feudal analogies as on the general principle of uniformity of contribution to federal sources. After scrutinising the origin and purpose of all the seven classes of contribution referred to above, the Committee recommends that all except two should rank for remission. The two exceptions are (1) contributions for special or local purposes, and (2) 'assigned' tributes—i.e., tributes originally payable by one state to another but assigned by the creditor State to the British Government. In respect of the former the Committee finds that these payments require further examination but, with one exception, in which continued payment is found to be justified, they have been provisionally classed for remission. In respect of the latter the Committee's recommendation is that they should eventually revert to the States which assigned them. In this connection the Committee expresses the hope that all payments of tributes by one State to another will eventually disappear as being inconsistent with the idea of a federation of equal units.

The Committee endorses the recommendation of the Federal Finance Sub-Committee in regard to immediate relief for States which pay contributions of this kind in excess of 5 per cent of their total revenues. The amount thus recommended for immediate remission is estimated at Rs. 11 lakhs per annum (about £82,500.)

As regards the period within which effect should be given to the general principle of remission the Committee recommends that this should be done *pari passu* with the remission of direct contributions from the provinces of British India but that in any case, a moiety should be extinguished at latest within ten years from entry into federation and the whole within twenty years.

The revenue thus to be surrendered (exclusive of the Rs. 11 lakhs referred to above) is estimated at about Rs. 50 lakhs, or £442,500.

The Committee observes that these contributions are, by reason of their origin and nature, payable to the Paramount Power and would not pass, as a matter of course, to the Federal Government. But it anticipates that the Paramount Power would, in fact, place them, so long as they continue to be paid, at the disposal of that Government and that the States could raise no valid objection to such a course.

The Committee's admission (Chapter IV) of claims by States which have ceded territory in the past had, under its Terms of Reference, to be restricted to cessions made 'in return for specific military guarantees'. Sessions of this kind were made to provide the East India Company with funds for the maintenance of a special force to protect an allied ruler, and are few in number, being in fact found only in the case of the States of Hyderabad, Baroda, Gwalior and Indore. (The case of Sangli is somewhat different but the cession made by that State has also been found by that Committee to be within its terms of reference.) But where such cessions are found, they must in the Committee's opinion be regarded as entitling the State concerned to a definite cash credit, since they are analogous to a large class of tributes and, as often as not, it was entirely a matter of chance whether a State admitted to the Company's protection paid tribute or ceded territory instead. The identification of the arrears concerned has been a task of great complexity for the completion of which the Committee is greatly indebted to a special Committee previously set up by the Government of India. The cash credits recommended in respect of these areas in the present Report amount to about Rs. 37 lakhs or £227,500 being Rs. 22.98 lakhs for Baroda, Rs. 11.78 lakhs for Gwalior, Rs. 1.11 lakhs for Indore and Rs. 1.10 lakhs for Sangli. These figures have been arrived at on the basis with certain modifications, of the net annual value of the territories concerned at the time of their cession. In the case of Hyderabad no such credit is recommended because that State prefers the continuance of the special military arrangements which the cession was designed to secure. It is recommended that practical effect should be given to credits raised on account of ceded territories *pari passu* with the reduction of direct contributions by provinces for Federal revenues.

In Chapter V the Committee reviews numerous claims by States but finds it unnecessary to raise any cash credits in respect of them. It fully recognises the fine record of some of the forces which many States maintained and their value for internal security purposes as well as for co-operation with His Majesty's forces in times of emergency. But it cannot ignore the very cogent grounds on which the Federal Finance Sub-Committee recommended to the Round Table Conference that any question of giving a financial credit for these forces should be deferred until after Federation has been achieved. The other claims which had to be considered in this Chapter arise mainly out of cessions of jurisdiction by States over lands required by the Government of India for railway, military or other purposes. The Committee's recommendations in this sphere are designed to remove or alleviate by administrative measures the grievances which are at present entertained. It is suggested that steps should be taken to give full effect to the principle that cession made to the Central Government for administrative reasons should not be exploited by it for fiscal purposes and that, so far as may be consistent with the financial requirements of the areas concerned for their own municipal purposes, they should not be immune from the taxation of the State within which they are situated. In particular it is recommended that there should be no bar to the levy of income-tax by States on the incomes of railway employees residing in State territory or on the profits of railway (other than Federal railways) earned within such territory.

The Committee would also like to see effect given to the general principle that, in respect of all provincial excise (i.e. excises on liquor, opium and intoxicating drugs) the proceeds of the whole of such taxation should accrue to the administering unit within whose territories the taxed articles are consumed.

Chapter VI deals with salt and begins by giving an account of the magnitude and sources of India's salt supply, the system of its taxation and the financial importance of this feature of the Indian fiscal system,—it having been estimated that the Federal Government would draw considerably over 4 million pounds a year or about 61½ per cent of its total revenues, from this source. An account is then given of the Agreement with States by which the Government of India succeeded about 60 years ago in establishing a practical monopoly of salt production throughout the Indian continent, except in Kathiawar and Cutch where production was restricted so as to serve only local requirements. No immediate revision of existing salt agreements is recommended except in the case of Kathiawar and Cutch though the revision of other agreements will be for consideration in due course by the Federal Government and may be thought desirable in order to diminish the importation of foreign salt (which still amounts to 450,000 tons per annum) and to reduce liabilities in respect of compensations now paid to certain States for the



closure of their salt sources. As regards Kathiawar and Cutch the Committee recommends the removal of all existing restrictions on the manufacture and marketing of salt, subject to the condition that the States concerned should permit collection of the federal salt duty at the source of manufacture, together with such administrative measure, as are necessary to safeguard the interests of the federal revenues.

The extent to which certain States or their inhabitants are, under existing arrangements, exempt from contributing to central revenues through the incidence of the salt tax is calculated at Rs. 46,06,657 or about ₹345,000. The total of these immunities would be reduced by about ₹60,000 if the salt tax were extended to Kathiawar and Cutch in the manner proposed above.

Chapter VII deals with sea customs and ports and, by reason of the importance and intricacy of the subject, is by far the longest Chapter in the Report. After setting out some of the difficulties in the way of bringing the policy and practice of the States with regard to their ports into harmony with the requirements of Federation, it gives a general account of all the ports belonging to the maritime States. The situation of these ports, with reference to India's railway system, is clearly shown in a map which will be found at the end of the Report. The history of past agreements and recent controversies is narrated at considerable length, with special reference to the rights of the States of Travancore and Cochin in the port of Cochin, and to the customs barrier imposed by the Government of India at Virangam against the maritime States of Kathiawar.

The relative value of the sea borne trade and customs receipts of British India and the States respectively is shown by the following figures, which relate to the year 1930-31. The total value of the sea borne trade for all India in that year was 36,182 lakhs of rupees of which 1,550 lakhs, or 4.28 per cent, relates to trade passing through the ports of the States. The customs collections at the States' ports in the same year amounted to Rs. 280,78 lakhs, of which Rs. 122,65 lakhs was recovered for British India at the Virangam line, leaving Rs. 158,13 lakhs in possession of the States. Thus the amount retained by the States was about 4 per cent. of the whole. This amount does not however represent the total extent of the States' immunities in respect of sea customs as there are certain cases, notably that of Kashmir, in which a State receives cash payment on account of special customs rights. The total immunity of the States in respect of sea customs is estimated to have been Rs. 182,42 lakhs or about ₹1,368,000 in 1930-21.

The Committee feel that, in view of numerous factors subject to variations in respect of which prophecy is impossible, it cannot safely or usefully make any estimate of the amount of compensation which it would be worth while for the Federal Government to offer to the States in return for the relinquishment of their customs rights. But in spite of the speculative risks involved, it feels that such an offer ought to be made in respect of the rights of Travancore and Cochin States in the port of Cochin which, being the only port (excluding Portuguese Goa) between Bombay and Colombo which offers safe anchorage and real harbour facilities to large ships at all seasons of the year, is of great present value, and must in the future be of even greater value to an Indian Federation, in whose undivided possession, untrammelled by any obligations to third parties, it clearly ought to be.

In this case alone, therefore, it is recommended that negotiations should be at once begun for buying out the rights of States. As regards ports wholly owned by maritime States no such course is advised but bearing in mind, on the one hand, the inconsistency with the ideal of true Federation of the retention by any federal unit of customs duties collected at its ports and on the other the unwillingness of the States to part with their sovereign rights in this respect, the Committee recommends for consideration a compromise under which maritime States would be enabled to retain the duties on goods imported through their own ports for consumption by their own subjects. It is recognised, however, that no such arrangement could be made, except with the consent of the States concerned, when its effect would be to curtail treaty rights. If effect were given to it by the erection of a customs barrier against the State concerned, there would be no question of any control or inspection by federal authority of the customs administration at the ports; but in the event of adoption of some system of financial adjustment whereby the States would retain, or have refunded to it, the amount which it was entitled to receive, some measure of federal supervision or inspection would clearly be necessary.

In Chapter VIII the Committee reviews, under the heading of Miscellaneous

immunities, the privileges enjoyed by certain States, or their Rulers, in respect of Posts and Telegraphs, Coinage and Currency, customs and transit duties, and courtesy concessions in regard to sea customs.

As regards Posts and Telegraphs the committee finds that the maintenance by States of their own postal departments does not constitute an immunity to which a financial value could be attached. Nor is it in a position to recommend any action, other than that already taken or contemplated by the Government of India, in respect of certain grievances which the States have brought to its notice. On the other hand, it finds that certain States are in possession of immunities in the form of free grants of stamps for official correspondence or free carriage of such correspondence by the Indian Postal Departments, and it recommends that debits be raised against such States, amounting in all to Rs. 10,27,025, or about £77,003.

After full consideration of the potentialities of currency issue as a source of profit, the committee is not prepared to recommend that rights to issue metallic currency should be classified as immunities. Only about 20 States exercise such a right and in many of them it is limited to the minting of coins of very low value or of coins used for ceremonial rather than currency purposes. But in the case of Hyderabad, which, in addition to an extensive metallic coinage, has a currency note issue of 9 crores of rupees, it is considered that its rights involved definite competition with the central or federal currency and justify the raising of an immunity debit of Rs. 17 lakhs.

It is also recommended that, in the case of all other States possessing currency rights, efforts should be made to arrange by negotiation that minting operations should be confined within purely nominal limits or to the production of coins intended for ceremonial purposes.

As regards land customs duties which are levied by the Indian States and in many instances represent a substantial proportion of their revenues, the committee endorses the conclusion reached at the Round Table Conference that it is impossible to effect their abolition in the near future. In these circumstances, and having regard to the grievances arising out of existing anomalies, the committee is inclined to favour the removal of restrictions on the levy of such duties in the relatively few cases where such restrictions are in force. But it is conscious of the retrograde and anti-federal nature of such a step and hopes that it will only be taken in cases where there is no room for doubt that it would be justified by local conditions and would not involve risk of serious repercussions on trade outside the territory of the State concerned. In regard to restrictions on the levy of transit duties and on the taxation of salt the committee recommends no abrogation of existing arrangements. It considers however that all compensatory payments now made to States in respect of such arrangements should be treated as immunities.

The courtesy customs concessions now enjoyed by Indian Princes are of two kinds. There is a major concession, enjoyed by 11 Rulers only, under which they import free of customs duty all goods intended for their personal use. The minor concession enjoyed by 76 other Rulers enables them to pass their personal effects through the customs free of duty when returning to India from abroad.

The committee recommends the continuance, under Federation, of both concessions on the existing scale, but only subject to the condition that the major one should now be extended to the Viceroy. It also advocates the extension of the minor concession to all Governors of Provinces.

In the concluding Chapter of its report the committee lays great stress on the fact that all its recommendations are conditioned by the assumption that the States will federate and apply only to matters which fall within the proposed field of federal subjects. It recognizes also that, although Federation is clearly a necessary stage in the political evolution of India, it cannot be achieved by compulsion. The assumption that no State can be compelled to enter Federation against its will was indeed the basis of all the discussions throughout the Round Table Conference. Having regard to this basic fact and to the unique character of the contemplated federation between elements which are not politically homogeneous and which vary infinitely in area, population and wealth, the task of the committee has been to suggest terms which, in its opinion, could be fairly and reasonably accepted by both the States and British India as the basis of a mutual and voluntary association. But so far as the States are concerned such association must be achieved with each of them individually, for it is only in a very general sense that it is possible to speak of the common interests of the States as contrasted with the interests of British India. The recommendations of the committee are thus

intended to provide the material for the making of individual settlements with each State on its entry into Federation on the basis of a balance sheet which takes account of individual 'credits' and 'debts'. It is thus impossible to set off the debts of one State against the credits of another.

On the other hand it is natural that a State's credits should be set off against its own debts and the committee recommends that this should be done. It would indeed be entirely unjustifiable that a State which enters Federation should continue in the enjoyment of privileges or immunities which are definitely inconsistent with the federal ideal and at the same time claim remission of tribute or other contributions on the ground that these are of a feudal character or are unknown in other federations. It is recommended therefore that, whenever it is proposed to remit a contribution of this kind, any immunity debit raised against the State concerned should be set off against the proposed credit and no remission or payment be made unless the credit exceeds the debit, and then only to the extent of the balance. In only one case does the committee recommend an exception to this rule, namely that of cash contributions in excess of 5 per cent. of the revenues of a State. The remissions recommended in such cases are intended to be immediate, that is to say, prior to, and irrespective of, Federation, so that no question of 'credits' and 'debts' arises in regard to them.

Great difficulty is, however, presented by the fact that in the case of some States credits are non-existent or comparatively small, whereas the debts are extensive. In some of these cases acceptance of the recommendations of the committee would considerably reduce the debts, but it has to be recognised that this cannot in all cases be achieved by compulsion. The immunities in question are in the great majority of cases secured to the State by treaty or agreement and the committee is not prepared to recommend that a State should be confronted with the necessity of choosing between exclusion from Federation and a wholesale surrender of existing rights, involving perhaps the loss of a large part of its revenue. The anomalies of the present situation have their roots in the past and it is clear that rigid insistence upon uniformity will not only fail to advance the cause of Federation but might gravely prejudice it.

The committee cannot, therefore, deny that its recommendations provide only a partial remedy for the existing want of uniformity of contribution to central revenues and contemplate, to the extent that tributes may be remitted and payments made on account of ceded territories, a new burden upon them. But in no circumstances would this burden exceed one crore of 'rupees, or £750,000 per annum, and there is every prospect of its remaining considerably below this amount by reason of the proposed setting off of immunity debts against the credits raised. The committee has also made certain recommendations and suggestions with respect to immunities which, if accepted, would result in a substantial addition to federal revenues. It considers it also justifiable to observe that certain provinces as well as certain States will to some extent be a burden on federal revenues and that those provinces will stand in very much the same relation to the Federal Government as those States which enjoy immunities and make no corresponding contributions in return.

In conclusion the committee points out that, by the very fact of their entry into Federation, the States would be making a contribution which is not to be weighed in golden scales. It is by no means indifferent to the importance of financial considerations, especially in these difficult times, but it has endeavoured to preserve a sense of proportion and to view all the elements of the problem in due relation to one another. It is on these grounds that it justifies which represents an honest endeavour to do justice between all the parties concerned and to establish a fair and equitable basis which could be accepted by them all without prejudicing either their interests or their self-respect.

# UNEMPLOYMENT IN INDIA

## Sir M. Visweswarayya's Bangalore Address

Sir M. Visweswarayya delivered an address on the 8th September 1932 before the University Union, Bangalore, on "Unemployment in India." He said *inter alia* :

### THE UNEMPLOYMENT PROBLEM

The unemployment problem in its present acute form has arisen in India from two, or rather, three causes. One is temporary, attributable to the world wide disturbance of economic order since 1922 due to maldistribution of the world's gold supplies, failure to meet War debts, uneven production and high tariffs...A second cause is the rapid growth of production in India after the War, and a third one, the defects and disabilities under which this country has been labouring for a long time past.

According to the statistics published by the League of Nations, the unemployed population in European countries and the United States of America at the beginning of this year numbered about 20 millions. Possibly in all these countries, the total number suffering from unemployment and short employment may not be less than 50 million. The statistics of employment, production etc., in this country are defective which makes it difficult to get a true picture of its affairs. No data are maintained of industrial establishments which employ less than 20 persons and no estimates are forthcoming of the value of production or income from agriculture, industries or other occupations. A rough estimate puts the number of unemployed in India at 40 million and the total number of persons suffering from insufficient food, clothing, and shelter, even judged by the low Indian standards, cannot possibly be less than a hundred million.

### UNBALANCED OCCUPATIONAL STRUCTURE

The agricultural population of India gets regular employment for from four to six months in the year, and for all practical purposes, has a holiday for the rest of the time. Its wages and earnings, and its standard of living, would be materially higher, if arrangements existed for providing it with regular employment in cottage and rural industries during the months in which there is no farm work.

The proportion of population which derives its support from agriculture in India is about 11.2 per cent. The corresponding percentages in other countries in recent years have been :—

United Kingdom	10.0
United States	22.0
Germany	30.5
France	38.3
Canada	35.0

These figures show that the pressure of the population on the soil in India is excessive, there being about twice as large a number of persons engaged in agriculture as are to be found in countries in which agriculture and industries are more evenly balanced.

The proportion of population which derives its support from industries in India is about 11.2 per cent the corresponding percentages in other countries in recent years being :—

United Kingdom	39.7
United States	29.3
Germany	38.1
France	31.1
Canada	26.9

The chief point brought out by this comparison is that in each of the countries named, the percentage of population employed in the agricultural group has decreased in pursuance of a policy of industrialisation, while in India it has gone on increasing owing to the absence of such a policy.

Within the past twenty years, the population of India has increased by about 38

million. The population dependent on agriculture has increased but there has been no visible increase in production or occupations. Regarding this phenomenon, in a recent address before the Rotary Club, Calcutta, the Editor of "Capital" remarked that "so vast an increase of population in so short a period cannot occur without suffering a decline in the average income and standard of living."

The following table indicates in a rough way the *per capita* income from industries and agriculture, respectively, of five of the most progressive countries of the world as compared with India :—

Country.	ANNUAL INCOME		
	From Industries	From Agriculture	Total
United States of America	1,300	286	1,586
Canada	1,047	464	1,511
United Kingdom	808	60	868
Sweden	374	129	518
Japan	120	85	205
India	13	67	80

India's income from industries may be taken at about one-fifth of that from agriculture, whereas the corresponding income in Great Britain, for instance, is about ten times that derived from agriculture. Although the United States and Canada hold a dominating position so far as food products and raw materials are concerned, their main source of wealth lies, not "in their fields, forests and mines but in their factories."

The *per capita* standard of living depends on the country's total production or income. If production increases, the standard of living will increase with it. If population increases while production remains stationary, the average citizen will have less and less to live upon. And this is the position of India at the present time. A large increase in production is necessary because existing standards are too low for decent human existence and population is growing rapidly in relation to income.

In most estimates published by economists, you will find that in regard to divisible wealth per capita, India ranks lowest of any country in the world, China alone excepted. The population of the country has been growing without any corresponding growth in income. Competent observers have remarked that the village population in many parts of the country lives on food often insufficient and of poor quality, and child mortality is excessive. The average duration of life in India is only about one-half of what it is among the more prosperous nations of the West.

#### IMPORTANCE OF INDUSTRIES

Proceeding to point out the importance of industries, Sir M. Visweswarayya says :—

The Montagu-Chelmsford Report characterises agriculture in India as a precarious occupation. There is no profit to be made from it and the indebtedness of the peasantry is growing. A comparison of the census figures between 1911 and 1931 shows that while Western nations and Japan have been concentrating on industries and trade, India has been growing more and more predominantly agricultural.

It is on record that since the World War, farm production in United States of America has increased 50 per cent more rapidly than population.

In the year 1900, the income from industries in the United States was about equal to that from agriculture. But since 1900 that country has so developed and expanded her industries that in a normal year the value of industrial products is about five times that derived from agriculture. Similarly it is on record that Japan increased production from industries from one billion yen in 1914, that is, before the War, to nearly seven billion yen by the year 1926.

These instances bear eloquent testimony to the predominant position industries occupy in the economic life of every progressive nation and how much India has lost in recent years by inattention to industrial development.

#### STATE AID TO INDUSTRIES

Sir M. Visweswarayya then goes on to refer to the reports of the various Provincial Unemployment Committees and the views of the Government of India and points out how, while the Indian Government shied on the responsibility to the Provincial Governments, the latter suffered from lack of funds. He pointed out how in Britain, the United States, Germany, Irish Free State, Soviet Russia and

Japan the Governments were taking unceasing and active interest in developing industry and trade and asked the Government of India to aid industries not only with statistics regarding possibilities of production, but also by giving liberal and timely tariff protection.

Discussing the effort expected from the people, Sir M. Visweswaraya laid emphasis on the need for self-discipline. He continued :—

#### RESTRICTING GROWTH OF POPULATION

I have already drawn attention to the importance of checking the rapid growth of population under the present conditions of its low efficiency and income. Population may be reduced by emigration and by late marriages; but the more modern and effective method is birth control. The Indian birth rate is higher than that of most European countries. Every now and then we come across a person who by allowing himself to bring up a large family, has had to cut down comforts first, stint necessities next and ultimately end his life in penury and distress. Individual families should be advised by a suitable public organisation to keep down the number of children born within reasonable limits. Birth control is now largely practised in civilised countries and it is not unknown in India. If adopted more extensively, it will help to reduce misery in individual families and raise the general standard of living.

#### TRAINING THE INDIVIDUAL

Training in the household through the head of the family to promote individual efficiency should become a regular feature of Indian life. Character, capacity for work, discipline initiative, enterprise and the habit of saving are all qualities, which the young should imbibe from lessons imparted in the family. Heads of families should place in the hands of young persons books and leaflets which teach self-help and self-discipline. It should become a recognised practice in the country for the vast majority of adult population to regard it a duty to devote about 8 hours a day to some gainful occupation or other. Every adult person who works, that is who is not idle, will be thus doing his best to reduce poverty and increase the efficiency of our people.

The wealth of a nation is men  
—Not silk, and cotton, and gold,

The admission of women to many occupations now restricted under unwritten social laws to the male population, should no longer be withheld. The brunt of productive work at present falls on men, women being assigned to inferior occupations or left to remain idle. If the country's total output of work is ever to be satisfactory, women should be their fair share. You are aware that in Germany, Great Britain and the United States women serve in various professions and in various capacities, many of them in addition to their day-to-day domestic duties. In Soviet Russia, we understand, millions of women are making their way to offices and factories. Some are engineers and journalists and some are even employed in the Army.

Every ounce of energy that we can find in the people should be utilised to increase the working force of the nation.

Sir M. Visweswaraya then referred to the need for the training of the people in self-discipline and in team work and for the Universities devoting more attention to scientific research, engineering, technology and higher commerce.

Sir M. Visweswaraya goes on to suggest three emergency schemes in order to increase production and enlarge employment. They are:

- (1) Rapid Industrialization by multiplying factories and industrial establishments.
- (2) Rural Reconstruction by increasing production from agriculture and from cottage and home industries in rural areas by the co-operative effort of the people.
- (3) Establishment of Practical Training institutions to provide the last stages of precise knowledge needed for the practice of callings connected with industry and agriculture, for educated youths and adult businessmen.

#### SCHEME FOR INDUSTRIALISATION

##### Scheme No. 1. Rapid Industrialization.

The object of this proposal is to increase or multiply the number of industries and industrial establishments in the country and work them with local labour. If a

large number of these are successfully started and operated, they will give employment to our workless population and at the same time reduce the money which is going out of the country year after year to pay for the manufactured products imported.

It is needless to state that any move on the part of the Government of the country to launch a vigorous policy of industrial advance in co-operation with the leaders of the people will be enthusiastically welcomed at the present time.

For our present purpose, industries may be considered under three classes :

Minor industries including cottage and home industries ;

Medium-scale industries requiring a capital outlay of, say, from Rs. 1 lakh to Rs. 30 lakhs ;

Large-scale basic industries like cotton mills, machinery industries, automobiles, etc., requiring a capital outlay exceeding, say, Rs. 30 lakhs.

The limits of capital here given are arbitrary and are mentioned only for purposes of illustration.

It is easy to spread and develop minor industries rapidly in both urban and rural areas. People are used to them already ; only the methods are in many cases primitive, even though machinery itself may be modern.

The scheme I have in view for minor industries is somewhat like this :—

The country should be divided into units of area, each containing about 1,000 houses or a population of 5,000.

In the first year, the statistics of existing industries should be collected including the quantities of products and their value and of the number of persons employed in them. Thereafter at the end of each year, similar information should be obtained and recorded and progress reviewed.

What new industries can be started and how old ones may be kept efficient, or extended, should be under constant study in the locality.

A Council of representatives consisting of businessmen and experts as far as available, numbering from 7 to 12 persons, and elected by heads of families in the area, should take all measures necessary to energize the population and mobilise local resources to keep industrial activity proceeding at top speed.

A review and statement of progress should be prepared at the close of each year by the said Council.

Associations, municipalities, village panchayats, and other bodies, both public and private, should encourage the establishment of industries in their midst by granting suitable concessions and facilities.

The chief requirements in starting an industry are management, money, markets, men, material and machinery. The first two, namely, men of directing ability and integrity for management and the supply of capital are the two most important needs to begin an industry. The public of each locality should be on the look-out for such men and for sources of capital. The rest will present little or no difficulty in this country.

**Medium-scale Industries.**—To increase the number of industries of this class, which will be generally managed by companies working on the joint-stock principle the provincial governments concerned should, through their respective Departments of Industries and of other officers, gather information, facts and statistics regarding existing medium-scale industries. A survey should be made of the resources available in the way of raw materials, power supply, market, etc., for establishing new industries. Businessmen should be invited by a public advertisement to suggest schemes in which they may be interested. Chambers of Commerce and industrial associations should be also requested to gather similar information. Where possible, Government may engage local and foreign experts to travel through the province, consult local business men and moneyed and influential men and submit to government preliminary proposals for new industries which in their opinion may be developed with profit.

If a systematic investigation is set on foot in this way, it should be possible in almost every province to discover, in the course of a single year, at least half a dozen schemes fit for serious consideration.

Thereafter will follow a close scrutiny of each scheme by provincial committees or directorate of persons most interested in it and as well as by experts. The preliminary expenses should be shared by Government and partly by the people interested.

Before any scheme is finally sanctioned for execution, the capital cost and operating details of similar schemes actually existing in this and other countries should be closely studied, and it should undergo scrutiny at the hands of at least two sets of advisers who have considered it independently.

**Large-scale Industries.**—Large-scale industries and manufactures should be pioneered by groups of business men and financiers with the active support in money and advice of the provincial governments. These will include key industries like textiles, steel, machinery and pumps, electrical plant, automobiles, chemical industries and railway machinery and plant.

When provincial governments in this country become autonomous, the representatives of those governments should meet in conference and every provincial government should take upon itself the responsibility of pioneering, through its business men and otherwise, two or three of these industries. The provincial governments should take financial risks in co-operation with business men and make sacrifices for 5 or 10 years at the commencement. If this policy is adopted, the preliminary losses will be spread over a large number of provincial governments and the burden will not be felt. In this way, almost all the basic industries named can be established in 5 to 10 years time.

It is in the initial stages, usually during 15 or 20 years at the commencement, that the money resources and organising power of the provincial governments will be needed. After that industries will look after themselves with the customary help similar to that usually given in the Dominions in regard to tariff protection, banking etc.

There is some misapprehension in certain influential circles that only such industries should be started as are likely to pay dividends from the very start. They fail to recognise that there is an element of speculating in almost every industry and it is only those people who venture that win. It should not be forgotten too that even in an industrially developed country like the United States, statistics show that in some years out of a hundred concerns started only about sixty survive.

#### SCHEME NO. 2. RURAL RECONSTRUCTION

There is no agricultural policy in India to stimulate production by Western methods, that is, methods which have for their constant aim the eliminating of wastes and the cutting down of costs of production. The object of the rural reconstruction scheme is to increase production and income by co-operative effort and modern methods. The principal characteristics of the scheme are:—

The country should be divided into units of areas holding a population of about six thousand inhabitants. In the first year, statistics should be collected house by house, and an inventory taken of the total production of the village from agriculture, industries and service. At the end of every year, similar information will be collected and recorded. The total production and income of the village from year to year should be exhibited in the village *ghaudi* or hall.

The agency to carry on this work will be a village council of 7 to 12 members and a headman elected by an association consisting of all the heads of families in the village or the group of hamlets constituting the unit area. This association will meet in conference about twice a year and will elect the village executive council. At these conferences, the provision of facilities for elementary education, occupational training and propaganda to foster home discipline, will all come under review.

The village council will be responsible to study the requirements and put into practice the various measures needed for increasing production and income in the area. Among the subjects which will occupy their close attention will be co-operative farming, extension of irrigation, improvement of credit facilities and supply of good seed and manure.

The scheme is based on the measures which I have seen practised in certain villages in the interior of Japan. In some villages which I visited, the figures giving the growth of production and income were recorded on charts hung up in the village halls and I gathered from these charts cases where villages had increased their income about five-fold in 20 years.

Provision is also made in the scheme for promoting certain disciplinary measures in each rural unit area to make of the villager a good worker and an efficient business man.



## SCHEME NO. 3. PRACTICAL TRAINING INSTITUTIONS

This institution is proposed with a view to provide the final stages of instruction, chiefly practical, needed by young persons before entering any particular calling. It may be also attended by adult persons already in business to improve their skill in management. The institution will give the knowledge and skill required by graduates and other young persons who have completed their scholastic training and wish to obtain practice or practical hints before they enter a farm, an industry or a shop.

A short course not exceeding six months is all that is usually intended to be given at these institutions. There will be at the head of each of these a manager of organising ability assisted by a staff of expert instructors, mechanics, farmers and accountants. If a candidate wants information or instruction not available in them, the manager will procure the same from outside and supply him. The manager may correspond with experts in any part of India and even with firms of consulting engineers, chemists, experts, etc., in foreign countries for this purpose.

A City may have a fully equipped *Institute*, a town may have a practical training *School*, and a group of villages may jointly set up a practical training *class*.

A *City Institute* may provide practical instruction in half a dozen cottage industries or in the management of a farm or the precise practical training needed by managers and accountants for the service of farming industry or trade.

The *Town School* will be doing similar work but of a lower standard. The *village classes* will give instruction of a still lower standard required by farmers and artisans.

The institute will also serve as an Intelligence Bureau to collect and supply information from abroad for the benefit of persons engaged in an industry or trade in the local area.

The training given will fill the gap which at present exists between the education received in scholastic institutions and the qualification needed in order to make good in a farm, factory or shop. It will be a substitute for the slow, ill-regulated training obtainable by the fast disappearing system of apprenticeship.

In placing before you the three emergency schemes just outlined, I have left out many details and dwelt only on the general governing considerations. Should any body of business men feel interested in the schemes and desire further information, I shall be happy to amplify the same in greater detail. As some of those present in this audience may be aware, one of the three proposals—the Rural Reconstruction Scheme—is fully explained in a printed pamphlet issued by me last year.





